

THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD MEETING
PUBLIC MEETING

THE OFFICE OF THE SECRETARY OF STATE
GEORGIA STATE CAPITOL BUILDING
ROOM 341
ATLANTA, GEORGIA 30334

WEDNESDAY, NOVEMBER 16, 2011
10:00 A.M.

PRESIDING OFFICER: BRIAN P. KEMP
SECRETARY OF STATE

*DEBORAH L. MERIDETH, CCR
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APPEARANCES:

Brian P. Kemp, Secretary of State, State of Georgia

Tex McIver, Member and Vice Chairman, State Election Board

David J. Worley, Member, State Election Board

Ralph F. Simpson, Member, State Election Board

L. Kent Webb, Member, State Election Board

ALSO PRESENT:

Ann Brumbaugh, Esquire

Chris Harvey, Esquire

Lee Brooks, Esquire

PROCEEDINGS

SECRETARY KEMP: Anyone who would like to address us in our public comment period, if you would fill a card out -- we have cards there in the back -- just so we can make sure we call on everyone who would like to address us. We'll allow anyone that wants to speak in the public comment period, we'll give you two minutes. We've got a busy agenda today so I'm going to be pretty strict on that two-minute period.

If you are here for a specific case that is on our agenda, we will give you an opportunity to address the board when we call that case. So don't feel like you need to speak to us during public comment about a specific case that's on our agenda; only if you have an issue that you wanted to let the board hear about. Other than things that are on our agenda today, you can speak to us during the public comment period. But you will have to fill a card out.

Also, I just wanted to remind everyone that this is a meeting that basically serves as an essential probable cause inquiry. The way this works, the Inspector General has 15 minutes to present the case to the board. The respondent will then have five minutes to present any argument or evidence to the board specific to that case. So we will do that when we call the individual cases. But, again, anybody that wants to address us in the public comment period, please go ahead and fill a card out.

Okay. That being said, I will go ahead and call the Wednesday, November 16 State Election Board meeting to order. I'll call on Mr. Simpson to give us the invocation and we'll stand and he will lead us in the Pledge of Allegiance. Mr. Simpson.

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(Invocation)

- - -

(Pledge of Allegiance)

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SECRETARY KEMP: Thank you very much, Mr. Simpson. We will now start with our public comment period. Just for a note of clarification for our public comment speakers and for people who are here today that want to address the board with specific cases, when we call your case, we're going to let you come up front. We are going to have a microphone at this first desk on my left, your right. We will have that microphone on so if you do want to address us, you'll be able to do that from there.

We do have one public comment request this morning and at this time, I will call Garland Fabarito. Mr. Fabarito, are you with us? You can come forward. When he gets going, Tommy, you can start the clock. Just pull that microphone out right there, Mr. Garland. You can sit or stand.

MR. FABARITO: Thank you, Mr. Chairman. I think this is the first meeting you've had in Atlanta this year and I wanted to bring your attention to a couple of things that have transpired this year. In 2011 there was a Cobb SPLOST and our unverifiable voting equipment recorded a margin of victory for that SPLOST of 79 votes. However, there were 95 blank voting forms in that race and that was the only thing on the ballot. So it's very suspicious as to why people would come in, register, get the card, go to the machine, and then not actually cast a vote in that highly contested race.

The same thing happened almost identically in 2005 in Cobb. The people of Cobb have now been assessed over \$1.5 billion in new taxes on highly questionable, unverifiable voting in those two systems. Exactly the same thing -- turning in blank voting ballots on the election and 114 votes of a deciding margin.

In public comment a couple of years ago we raise these questions. Unbeknownst to us, the Inspector General opened an investigation but did not investigate anything and closed it without contacting any of the individuals who expressed concerns. The investigator in that case has since been -- who did not investigate -- has been arrested and charged with a variety of things: drug paraphernalia, shooting her husband, and also unauthorized (unintelligible) badge.

So there's a lot of questions about this. I just wanted to bring it to the attention of the board and these folks are still on staff.

SECRETARY KEMP: Thank you very much. Anyone else wish to address us in the public comment period? Hearing none, before we move on to the minutes, I just wanted to give the board these figures -- I'm sorry. We do have one more. I apologize. CeCe Anderson?

MS. ANDERSON: Yes.

SECRETARY KEMP: Welcome.

MS. ANDERSON: Good morning. I am CeCe Anderson, a women's and children's advocate --

SECRETARY KEMP: If you don't mind, ma'am, if you could use that microphone right there. We have somebody recording the transcript so if you could just speak as

loudly as you can.

MS. ANDERSON: Is it on?

SECRETARY KEMP: It's on.

MS. ANDERSON: Thank you, sir. Good morning. I am CeCe Anderson, a women's and children's advocate and also a grassroot organization. I am here for two things. I would like to know whether or not I could receive the outcome of the elections in the last past five years and also I have some complaints that I have been observing around the state, since I do travel around the state and has seen several different infractions that have happened in the elections. They are too numerous to name right now unless you are going to give me an hour to make a comment about it. I do have it in writing and I wanted to submit it to someone this morning.

SECRETARY KEMP: Okay. Is that all you have?

MS. ANDERSON: Yes, Sir.

SECRETARY KEMP: You can submit that to Mr. Culligan.

MS. ANDERSON: Okay.

SECRETARY KEMP: Can I have a motion by the board to accept the documents?

MR. WEBB: I'll move.

MR. McIVER: Second.

SECRETARY KEMP: Mr. Webb moves; Mr. McIver seconds. Any discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: I would tell you, as well, and the rest of the audience, anyone that needs elections results information or data from our office, they can simply go to our website or call the main number, which is 404-656-2881 and ask for the Elections Division. They'll be glad to help you with those types of requests. Also, as far as complaints, you can always submit anything in writing to us. And also we do have on our website our stop voter fraud website where you can email us information or

complaints. We also have a 1-800 hotline number and we certainly appreciate and want our citizens to help protect the elections process. So we'd be glad to review any information that any of you have in regards to issues like that. Anyone else for public comment?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I wanted to just share a few figures with the board real quick. As you all know, back in August of 2010 we started doing a consent calendar on some of our cases to try to move these cases along and get caught up with some lingering cases that we had. It's actually been a year since we started doing that not counting today's meeting. I just wanted to give you some quick figures.

During that timeframe, we've had the chief investigator present 127 cases to us; we've had the Attorney General's office present 82 cases to us. So we've taken up 209 cases. Of those 209, 80 of those we have taken care of and resolved or closed on the consent calendar. I wanted to thank Chris Harvey and his whole team and Ann Brumbaugh. I think we have shown that we have been moving a lot of cases trying to get older cases closed and I think you'll see as we take up our agenda today that most of our cases that we're dealing with are recent.

So I'm proud of the work that's going on there and we'll continue to push along so we're not dragging these cases out and we're being as efficient as we can even in these tough budget times with some of the limited resources we've got. So I just wanted to make the board aware of that and we're going to continue to track this type data as we go so we can keep you all abreast of our progress on that and make sure we're all being held accountable for doing good, efficient work.

With that, we need to approve several sets of minutes so we'll move on to that. The first one is Number 1 in your tabs which would be the minutes from the Monday, August 8, 2011 meeting. Do we have any changes to the minutes or motion to approve?

MR. WORLEY: I make a motion to approve.

SECRETARY KEMP: We've got a motion to approve. Is there a second?

MR. WEBB: Second.

SECRETARY KEMP: We've got a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of approving the minutes from the

August 8, 2011 meeting, please signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

The next set of minutes if from the Wednesday, September 21 State Election Board meeting. Do we have any changes to those minutes or a motion to approve?

MR. WORLEY: I make a motion to approve those minutes, as well.

MR. WEBB: Second.

SECRETARY KEMP: We've got a motion to approve and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of approving the minutes from the Wednesday, September 21, 2011 meeting, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

The last set of minutes we need to approve is from Thursday, October 6, 2011. Any discussion or changes to those minutes?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a motion?

MR. WORLEY: So moved.

SECRETARY KEMP: We have a motion to approve. Do we have a second?

MR. WEBB: Second.

SECRETARY KEMP: We have a motion and a second. Any discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and we have approved all three of the minutes from August 8, September 21, and October 6 meetings.

We will now move on to the Inspector General report and some of our previous consent cases that we're bringing back. Mr. Harvey?

MR. HARVEY: Thank you, Mr. Chairman. The first case is Hancock County, 2010-34. This case was presented in February in Macon. It was divided into two sections. We had Edith Ingraham and we had Judge Marva Rice. Judge Rice was bound over to the Attorney General's office. Edith Ingraham, who at the time was the chief registrar, agreed to sign a consent order, which I have and the board has already accepted. They have also provided a remedial plan to prevent the reoccurrence of voting machines not being ready for early voting. I would submit that to the board and recommend that this case be closed as regards Ms. Ingraham.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Is anyone else here today to speak in regards to this case? Anyone else?

(Whereupon, there was no response)

SECRETARY KEMP: Seeing none, do we have a motion?

MR. WEBB: So moved.

MR. McIVER: Second.

SECRETARY KEMP: Okay. We've got a motion to approve the consent order and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

We will move on to SEB case 2010-110.

MR. WEBB: Mr. Secretary, point of order. I think that the motion is to close the case in regard to Edith Ingraham. The consent order would be for Judge Rice and that will be handled under Tab 40.

SECRETARY KEMP: Okay. Let me go back and have Mr. Webb restate that motion and let's re-vote on that and make sure we're clear on what we're doing. Thank you.

MR. WEBB: I apologize for not being clear. The motion is to close the case with regard to Edith Ingraham and we'll deal with the consent order for Judge Rice under Tab 40. But the motion is to close the case in regard to Edith Ingraham.

SECRETARY KEMP: Okay. We've got the motion corrected. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: We have a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of the motion, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and I apologize for that non-clarification on my part. Okay. Mr. Harvey?

MR. HARVEY: The next case is DeKalb County, 2010-110. This case involved poll workers being late to the polls. As far as DeKalb County goes, DeKalb County has agreed and has signed a consent order. They have also provided a remedial plan that involves an advance early phone tree to notify poll managers and election officials in case there are problems with the polls opening. I would submit this consent order to the board with the remedial plan with the recommendation that it be accepted and the case be closed.

MR. SIMPSON: This is to DeKalb County?

MR. HARVEY: That is correct.

SECRETARY KEMP: Mr. Kemp. Any other questions for Mr. Harvey? Is there anyone else here wishing to speak in regards to this case?

MR. HARVEY: Mr. Simpson, just to clarify, the consent order actually is DeKalb County and Rosalynn Smith, who is the assistant poll manager. The other individuals are being taken care of by the AG's office. So it would be DeKalb County and the assistant poll manager, Rosalynn Smith.

MR. SIMPSON: So moved.

SECRETARY KEMP: Mr. Kemp. So we are moving to accept a consent order?

MR. SIMPSON: Yes.

SECRETARY KEMP: So we've got a motion to accept the consent order by Mr. Simpson. Do we have a second?

MR. WEBB: Second.

SECRETARY KEMP: We've got a second by Mr. Webb. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

We will now move on to our consent cases. The way this works, for those of you who haven't been involved in this process, we've got a number of cases on our agenda under new consent cases that unless someone wishes to specifically discuss one of these cases, we will vote on these in a block. At this time, I will ask any members of the State Election Board if they would like to pull any of the cases off.

(Whereupon, there was no response)

SECRETARY KEMP: They do not. Is there anyone else here who wishes to speak to one of these cases?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I will now accept a motion to vote on these on the consent calendar.

MR. KELLER: Mr. Chairman, I have one of these consent cases here that I would like to address the board on.

SECRETARY KEMP: Which case would you like to discuss with us?

MR. KELLER: 00036.

SECRETARY KEMP: Thirty-six. Okay.

UNIDENTIFIED: If I could ask a question. When you're voting on the block, does that include closing the file? I'd like the City of Baconton -- to ask that that file be closed rather than --

SECRETARY KEMP: Mr. Harvey, what is the recommendation on --

MR. HARVEY: The recommendation is for closure on all these consent cases.

UNIDENTIFIED: Thank you.

SECRETARY KEMP: We would be voting to close these cases, which means that these cases will be over with. If you do not want us to close this case, if there's a reason you want to address us to keep the case open, we'll be glad to let you do that.

MS. JONES: Mr. Chairman, I just wanted to speak because I am the one that's a party to the case that he wants to speak about.

SECRETARY KEMP: Okay. We'll pull that off the calendar. We're going to pull SEB case number 2011, number 36, Meriwether County -- we will pull that off of our consent calendar. If there's no other objections to the rest of the consent calendar, I will be accepting a motion to close those cases. Just to list those cases, it's 2099, number 53, City of Fitzgerald; 2010, number 1, Ben Hill County; 2010, number 10, City of Baconton; 2011, number 14, Paulding County; 2011, number 44, Montgomery County. With that, I will accept a motion to close.

MR. WEBB: Mr. Secretary, I make a motion to dismiss the cases as listed.

SECRETARY KEMP: We've got a motion by Mr. Webb. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: We've got a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and we have dismissed those cases.

Mr. Harvey, can you give us a little background on 2011, number 36?

MR. HARVEY: Yes, Mr. Chairman. Our office received in July an allegation that a candidate had provided false information on a notice of candidacy. The complainant said that the candidate owed back taxes, and therefore when she signed her candidacy affidavit, she was providing false information. Our investigation revealed there were no back taxes adjudicated in any of the localities that were mentioned in Georgia or Florida and therefore we found no violation.

SECRETARY KEMP: Okay. Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, y'all can make your way to the front. Anyone qualified to address us on this case, you will have 5 minutes. You have to use 5 minutes, but you can if you would like to to address the board. If you don't mind, please state your name and your address for the record.

MR. KELLER: Mr. Chairman, I am Frank Keller, Charles Frank Keller, from Greenville Georgia, 1502 Gay Road, Greenville, Georgia 30222. I appreciate you letting me speak to you this morning. This case is the result of last year. I was on the board of commissioners in Meriwether County and I decided to apply for reelection and I did. My opponent in this primary election signed a standard affidavit, which I have a copy of, and I understand it's a standard printed form of a declaration of candidacy and affidavit that is used all over the state. And she signed on April 26 that -- this form had her signature notarized, of course, stating that she did not owe taxes at that time, which that's incorporated in this -- by the way, please interrupt me anytime and I will be glad to -- if I lose you on anything.

The fact of the matter, though, is at the time she signed this case [sic] there was a state tax lien on file in Coweta County for sales tax that her business owed to the State of Georgia, and she is the primary owner and officer of that business. She also, at that time, and the taxes were in default, real property taxes, ad valorem taxes, in Bay County, Florida on a condominium that she and her husband owned and that had gone to foreclosure. The property have been bought in foreclosure by an investment group that -- this is the two things: one, the state tax lien was on file and had been on file for many months, if not years, in Coweta County; and the other thing, the property tax had already gone to foreclosure and a FIFA had been issued and the property levied on for the taxes in Bay County, Florida for the condominium.

So to say that the tax had not been, as Mr. Harvey stated, had not been adjudicated, in my opinion, is somewhat ridiculous because a FIFA and a levy on property is a court proceeding and it would have to be adjudicated in some manner, Constitutionally or -- in order for those things to happen.

Now, I've been living in Greenville all my life. I grew up there in the 50s and somewhere back in the 50s -- I don't know if you will appreciate this story or not, but the guy that owned the Standard station in Greenville at that time had a bear in a cage and we little boys would get sticks and go up there and poke at the bear just to hear him growl. Well, I don't know if you keep up with the news, but Mr. Dick Yarbrough's column yesterday in the paper was doing the same thing to our Speaker of the House, Mr. David

Ralston. He was poking at Mr. Ralston, I guess just to see if he could get him to crawl and this goes on forever.

One of the sticks that the media uses, one of those sticks his poking at them -- our politicians -- for not paying their taxes on time. As a matter of fact, a small part of Mr. Dick Yarborough's column yesterday -- I don't know if it if you read it -- did mention that Mr. Ralston's taxes were late. So he was just poking. The reason I came up here and the reason I was telling you this story from the 50s and reminding you of this is that I want -- I want this board to address this issue of taxes instead of just passing it by or dismissing it as almost happened. I want you to either sharpen the stick for the media so they can poke at our politicians for not paying their taxes when they're supposed to order either I want you to say to me and to the rest of the people in Georgia that it doesn't matter if politicians pays his taxes or not because we deserve -- I was a County Commissioner for four years prior to this year. I was active in the ACCG so I went to meetings all over the state -- am I getting to be a burden to you; I'm sorry.

SECRETARY KEMP: No, but your time is up. Let me see if anybody on the board as a question for you.

MR. KELLER: Would anybody like to stop me? I'd like to finish if I can.

SECRETARY KEMP: Well, you just need to wrap up because your time is up and I think we get the point of your comments.

MR. KELLER: Oh, what I was going to say is all of these commissioners that I met over these four years, when this issue came up I started calling them and asking them to you have to pay taxes; do you have to pay your taxes to be qualified to be a public official or to run, and every one of them says that, yes, you do have to pay your taxes. So I am reasonably sure that out of almost 10,000,000 people in this state, most of them are very well convinced that a politician has to pay his taxes in order to run for office and hold that office and that is the reason I would like for Ms. Ford to please -- I would like for the onus to be all you, the burden to be on you to settle this case and address this case without dismissing it.

Thank you very much.

SECRETARY KEMP: Any questions from the board for Mr. Keller?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here today. Is there anyone else wishing to speak in regards to this case? I would just remind you, if you would, to state your name and address for the record.

MS. JONES: Thank you, Mr. Chairman. I am Nancy Jones. I live at 1062 Stribling Road, Woodbury, Georgia. To the board, I want to thank you for the opportunity to be here this morning. I was not expecting to have to speak, however, the evidence is proven and I want you all to know that the allegations of this case went before the Superior Court in Meriwether County on November 1, 2010, and it was an order dismissing this petition accordingly. There was no finding in there. The Court further finds that the Petitioner has failed to carry its burden of proof by a preponderance of the evidence on the allegations made in the petition. Furthermore, after considering the motion to dismiss filed by the Respondent, the Court hereby grants the Respondent's motion to dismiss.

I want you all to know that this case has already been heard and the judge has dismissed it.

SECRETARY KEMP: Thank you, Ms. Jones. Any questions for Ms. Jones from the board?

(Whereupon, there was no response)

MS. JONES: Would you like to have a copy of this --

SECRETARY KEMP: If you have one, that would be great. Do we have a motion to accept?

MR. WORLEY: So moved.

MR. WEBB: Second.

SECRETARY KEMP: We have a motion in a second. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign. That carries. Thank you. Mr. Harvey?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Is there anything else you would like to add in regard to this? This board, I don't believe we even have jurisdiction over this, anyway.

MR. HARVEY: Well, if there was an adjudication of back taxes, there could be an issue with signing a candidacy affidavit. We never found any evidence of an adjudication of back taxes.

SECRETARY KEMP: What about Mr. Keller's point that there was a FIFA? Is that not considered an indication?

MR. HARVEY: My understanding is --

SECRETARY KEMP: Or are you going based on what the Superior Court says?

MR. HARVEY: At this point we are going on what Coweta County tax assessors and Bay County, Florida provided with no information on adjudicated taxes.

SECRETARY KEMP: Any other questions for Mr. Harvey?

MR. SIMPSON: Do you have a statutory reference for this requirement that taxes be adjudicated?

MR. HARVEY: I can find it.

MR. WEBB: Mr. Secretary, I think that the issue at hand is that Mr. Keller is stating that Ms. Jones signed her affidavit when she ran for office which included the statement that all of her taxes were paid in full. Just picking up on the details that were provided, I understand there was an adjudication in this case that was brought by Mr. Keller in Superior Court. What I also heard was that Ms. Jones has a business that owed taxes in Coweta County and the business would be responsible for the taxes, not Ms. Jones; that she is the sole owner of that company. And I'm not sure if the affidavit addresses taxes that are due in another state, but it seems like it would be taxes that are due under Georgia. I'm not sure if that will apply to states outside. So -- this is all speculation, but I'm assuming that's why the case was in Superior Court.

SECRETARY KEMP: Mr. Keller, did you want to address us -- if you don't mind, come on back up. We'll give you just a minute. Just state your name and address again for the record.

MR. KELLER: Charles Frank Keller, 1502 Gay Road, Greenville, Georgia 30222. Mr. Chairman, the filing that Ms. Jones submitted to you was the result of (unintelligible) filing which was -- the case was dismissed because it was the wrong filing. It was a (unintelligible) filing and there was no evidence presented in that court other than her attorneys saying this was the wrong filing. So the case was dismissed on a technicality which had nothing to do with this proceeding, in my opinion. Thank you very much.

SECRETARY KEMP: Any questions for Mr. Keller?

MR. McIVER: What was it you'd have us do, Mr. Keller?

MR. KELLER: I would want you to find Ms. Jones in -- that she erred, you know. That she -- false swearing is what it amounts to on her affidavit for candidacy. As far as -- I don't know what this board does as far as asking, so I can't address what you -- I'm somewhat prejudiced. I mean, do you want me to recommend a -- I recommend 30 days in the electric chair, if that's what you're asking. I'm being very facetious, but I don't have any idea of what -- with all due respect, I don't know what your board does in a case like this and I don't know what you're finding is. Normally, we would usually give a verdict before we get into any penalty phase in court. Of course, I realize this is not court.

MR. WEBB: Mr. Keller, you said you have the affidavit of candidacy signed with you in your hand?

MR. KELLER: Yes, sir.

MR. WEBB: Can I see that for a second, please?

MR. HARVEY: Mr. Simpson, the applicable code appears to be 21-2-8 with a reference to the Georgia Constitution.

MR. McIVER: Mr. Webb, we're going to need to admit that.

MR. WEBB: Motion to accept.

MR. SIMPSON: Second.

SECRETARY KEMP: We've got a motion to accept the affidavit and a second from Mr. Simpson. All in favor of accepting the document for discussion, signify by saying "Aye".

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: The motion carries.

MR. KELLER: Mr. Chairman, are there any other questions? Thank you very much.

MR. SIMPSON: Mr. Chairman, we've looked at this Constitutional provision Mr. Keller was referring to, and specifically, this Constitutional provision says if such person has been finally adjudicated by the court of competent jurisdiction to owe those taxes, if

that has happened, the person would be ineligible to hold public office. That's the Georgia Constitutional provision.

I think with what we've seen, we have not seen any evidence that she has been adjudicated by a court of competent jurisdiction and that's what the language of the Georgia Constitution specifies, so I will move to dismiss this case.

SECRETARY KEMP: We've got a motion to dismiss. Do we have a second?

MR. WEBB: I'll second.

SECRETARY KEMP: We've got a motion and a second. Any other discussion from the board?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: The motion carries and the case is dismissed.

We will now move on to re-presentations. Mr. Harvey, case number 2008, number 54, Telfair County.

MR. HARVEY: This case was first presented in June of last year involving allegations that Mr. Joe Hamilton was illegally assisting voters and that the County did not provide sufficient privacy during early voting. At that meeting, where there were some people that spoke that made allegations of illegal handling of ballots, improper accounting of ballots, improper procedures in tabulation, the board asked us to go back and review those new allegations.

Investigator O'Neill went back and interviewed everybody who made an allegation and essentially found that nothing could be substantiated that was reported to the board as far as additional allocations with vote tabulation. The County attorney provided a detailed document explaining step-by-step what happened with tabulation and it appears that there were no additional violations that were brought at that meeting.

That being said, however, the original violations appear to still be valid. There are

multiple witnesses that said Mr. Joe Hamilton entered the -- was standing around the tables that had no privacy and sitting around next to people pointing out who they should vote for and telling them who they should vote for. That was witnessed by several officials at Telfair County. The county is also -- it appears to be in violation of 21-2-385 in that they failed to provide suitable places of privacy for the electorates when they were casting their absentee ballots.

The third allegation is difficult. Ms. Beulah Dollar had a P.O. box and she had several family members that lived at that address. She did collect absentee ballots from the mailbox to give to people that lived at her address. However, there is no evidence that she otherwise possessed them. I know this board has a very strict policy in possession of absentee ballots. I don't know if the board would consider this a violation or not without any evidence that there was any other handling.

But based on this, it is recommended that Joe Hamilton and the Telfair County board of registrars, Billie Vaughn, be bound over to the Attorney General's office and I would leave it to the board's discretion on Ms. Dollar and whether Ms. Dollar violated 21-2-574 by processing ballots temporarily.

SECRETARY KEMP: And what about Mr. Walker and Mrs. Walker who were listed as respondents?

MR. HARVEY: There were no allegations found to substantiate violations on their part.

SECRETARY KEMP: Any other questions for Mr. Harvey from the board?

MR. WEBB: Mr. Harvey, just a point of clarification. With regard to Ms. Dollar, the other individuals that received the absentee ballots, or the absentee ballots were mailed to them and went to her P.O. box, all she did was pick up the mail and take it to the residence where everybody lived?

MR. HARVEY: That's correct.

MR. WEBB: Thank you.

SECRETARY KEMP: Any other questions for Mr. Harvey? Anyone else wish to speak in regard to this case? Just to remind you, give us your name and address for the record. Welcome.

MR. MARCHANT: Mr. Chairman, my name is Joey Marchant and I represent Telfair County, County attorney for Telfair County.

SECRETARY KEMP: If you don't mind, please spell your last name.

MR. MARCHANT: M-A-R-C-H-A-N-T.

SECRETARY KEMP: Thank you.

MR. MARCHANT: My physical address is 231 Highland Lakes Drive, Eastman, Georgia 31023. My mailing address is P.O. Box 4218, Eastman, Georgia 31023. I am appearing today on behalf of the former registrar, Ms. Billie Vaughn, who is now retired; the Telfair County Board of Registrars; the former probate judge, Ms. Walker, Ms. Diane Walker; the current Clerk of Superior Court, Mr. Gene Johnson; the current probate court, Ms. Betty Johnson. Mr. and Ms. Johnson are not listed as respondents, however they were -- there were allegations made against them at the previous meeting when the board considered this case. So I am appearing for them as well.

As far as the allegations at the meeting, as far as the counting of votes that involved former Judge Walker, Mr. Johnson, and Judge Johnson, I don't suppose I need to address those as there was not enough evidence to go forward. All those individuals to maintain that the allegations made are false. I was present for the County and I've submitted an affidavit that we do maintain those were false.

As far as the remainder of the case, the initial case that was brought, Telfair County admits that we did not provide adequate privacy during the advance voting period. Just by way of explanation, not necessarily mitigation, I don't suppose, but by way of explanation, this was a period of time but we had our main courthouse under renovation and that was supposed to be a temporary thing. It got stretched out longer than it should have due to some issues with construction. But our registrar's office really didn't have appropriate space at the time and what was alleged as far as there being a table provided and there were people sitting at the table with no partitioning, we realize that was not acceptable.

Going forward from that case with future elections, we went ahead and put some cubicles with partitioning in place immediately. And the election that occurred since then, we actually constructed a new room in that temporary courthouse and we only allow four voters at a time and use the cubicle. So we feel like we have corrected the matter and we would ask that the board consider severing the case between Mr. Coates and the County and allowing us to enter into a consent order with some plan for remediation going forward. We would ask the board to consider that.

SECRETARY KEMP: Any questions?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else?

MR. McLAUGHLIN: Members of the board, my name is Ashley McLaughlin, M-C-L-A-U-G-H-L-I-N. My home address is 102 West Bruce Street, McRae, 31055.

SECRETARY KEMP: Hold that mic just a little bit closer.

MR. McLAUGHLIN: Mailing address is P.O. Box 429, again, McRae, Georgia 31055. I am here on behalf of Mr. Joe Hamilton and Mr. Hamilton is actually here present in the room. He came up this morning. Just by way of getting a bearing in on how we came in contact with this matter, a hearing was held back in 2009 for which Mr. Hamilton received notice that the hearing was to take place. But based on some assurances from the complainants that they were not actually coming because the results of the election ended up being in their favor, we elected not to come; it wasn't financially worthwhile to come. Of course, since the time, things have changed.

Basically, as summarized here a few moments ago by Mr. Harvey, the executive summary of the results of the investigation as provided to me, on the last page where it references potential violations, specifically that Mr. Hamilton entered to the voting compartment while another was voting and unlawfully attempted to influence voters, it's a little tough to deal with that allegation because we were under the impression that one of the problems was there were no voting compartment's; that it was open flat tables. The other allegation that he unlawfully attempted to influence voters -- and it's problematic dealing with these things because in the first hearing, as reported in the verbatim minutes, references were made to unnamed individuals, particularly with regard to one of the complainants who alleged that just generally a man was pregame carloads of people to the polls, which is neither unlawful or uncommon.

We assume, just from the nature of those allegations and resulting summary of potential violations, that those had to be or were probably attributed to Mr. Hamilton or that's who was in mind. That's who the man may have been. Of course, I assume a lot of things that turn out to be incorrect. But basically, I'm here today on behalf of Mr. Hamilton to categorically deny the same and I'm sure if the board desires the same, he could do the same. Mr. Hamilton categorically denies unlawfully assisting any voters; trying to influence any voters. He does openly and freely admit to assisting voters and signed all the documentation as required and presented by the registrar in order to do that, which, by the way, because it was held -- this election also included a federal candidate was seeking office. The number of individuals that he could assist was unlimited. He categorically denies attempting to influence voters.

Mr. Hamilton is a member of the Telfair County Democratic Party and prior to this -- this has had sort of a chilling effect on his whole outlook on elections and I think it's sort of a slippery slope and one of the problems with these types of things -- that is the whole goal of parties in these organizations is to get people to the polls to vote for, hopefully, candidates that they want to get elected. That's what you do when you're trying to get

somebody elected.

Each person that was assisted, there is on file the appropriate documentation in regard to that person. One of the big issues that we take with this problem is the secret vote is not something that becomes less significant the smaller the community you live in. Sometimes I think it becomes more important and I am sure that some of the assisted voters would be a little reluctant to tell a candidate for office that they didn't vote for that candidate if asked directly. So I know that's part of Mr. Harvey's job and he's probably really good at sifting through that.

I think that if you examine the -- Mr. Hamilton cannot control the environment. He can control what Telfair County's history may have been with this board or that we were going to undergo renovation and there weren't private accommodations.

Several of the remarks -- and I'm just going to speak to these two: unlawfully attempting to influence voters, I don't know how you assist voters without communicating with the voters about who was on the ballot, particularly those that can't read or who have difficulty understanding what's on the page. In fact, it's a problem because it destroys the whole secret ballot process, if one were to compare the votes with the voters that were assisted, one would learn that a substantial number of those voters actually voted for the complainants.

But another issue on the side -- and I'll go ahead and wrap this up -- one of the complainants themselves actually admitted to entering the voting compartment herself and walking up behind Mr. Hamilton then observing him pointing to a valid and identifying candidates. To me that would seem to be the same -- I don't know how that constitutes a violation and I don't know how that is any better than what Mr. Hamilton is alleged to have done.

I have here in my possession signed statements from the individual voters that were assisted -- the ones we could reach -- and like I said, Mr. Hamilton is here and I'm sure he would --

SECRETARY KEMP: You want us to accept those affidavits?

MR. McLAUGHLIN: I do and I will note that they are handwritten. I was in a jury trial yesterday but didn't have time to --

SECRETARY KEMP: Do we have a motion to accept the affidavits?

MR. WORLEY: So moved.

MR. WEBB: Second.

SECRETARY KEMP: We have a motion and a second. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: The motion carries. We will accept those documents. Any questions for Mr. McLaughlin?

(Whereupon, there was no response)

SECRETARY KEMP: Is there anyone else wishing to speak in regard to this case?

(Whereupon, there was no response)

SECRETARY KEMP: Any board members have anything else?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I am ready for a motion.

MR. WORLEY: Mr. Secretary, I make a motion to dismiss the case against Beulah Dollar.

SECRETARY KEMP: Okay. We have a motion. Do we have a second?

MR. WEBB: Second.

SECRETARY KEMP: We have a motion and a second. Any other discussion on the motion for Ms. Dollar?

(Whereupon, there was no response)

SECRETARY KEMP: We have a motion to dismiss the allegation on Ms. Dollar and a second. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Do we have another motion to deal with

the Walkers?

MR. SIMPSON: Procedurally, can we separate out the County and go back --

SECRETARY KEMP: Yes. You can pull out anything you want to.

MR. SIMPSON: There's an offer of a consent order. Can your office do that?

SECRETARY KEMP: Let me do this if you all don't mind. Do we anybody who would like to make a motion in regards to Ronnie Walker and Diane Walker who Mr. Harvey recommends we dismiss the case?

MR. WEBB: Mr. Secretary, I make a motion to dismiss the case against Ronnie Walker and Diane Walker.

SECRETARY KEMP: Do we have a second?

MR. WORLEY: I will second.

SECRETARY KEMP: Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: I've got a motion to dismiss and a second to dismiss the allegations against Ronnie Walker and Diane Walker. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Mr. Simpson?

MR. SIMPSON: What would be the proper procedure? To refer to Ms. Brumbaugh to see if she can work out a consent order or --

SECRETARY KEMP: Well, you can make whatever emotion you want. If the board wants to get a deal together to accept a consent order we can do that. We could refer it to Ms. Brumbaugh and let her work it out. The Chair's personal opinion on this matter would be to refer the rest of this to Ms. Brumbaugh where I think she can actually wade through the back and forth and talk to the individuals that were or were not present and,

you know, figure out exactly what is going on down there and then she can work with all the parties involved to bring resolution and if we can't, we can bring it back -- you know, we can certainly -- if they don't want to agree with that, they will have the right to a formal hearing. That would be, I think in this case, my suggestion.

MR. SIMPSON: Then I would make a motion that we refer it to Ms. Brumbaugh.

SECRETARY KEMP: So the motion to refer to the AG's office will be for Mr. Hamilton, the chief registrar, Billie Vaughn, and the county board of registrars?

MR. SIMPSON: That's right.

SECRETARY KEMP: Okay. We've got a motion to refer those three respondents. Do we have a second?

MR. WEBB: Second.

SECRETARY KEMP: We have a motion and the second. Any further discussion?

MR. McIVER: Yes, I do.

SECRETARY KEMP: Mr. McIver?

MR. McIVER: It occurs to me where the County itself has come forward to indicate they're willing to sign or enter into a consent decree with some appropriate form of remediation that we should relieve them of the burden of appearing and deal with them separately. I would be more inclined to have that go to the law department, principally I assume Ms. Brumbaugh, but the law department just to work out the formality of the consent decree and whatever is appropriate by way of remediation and bring that back before us. It does occur to me that a hearing is very much in order for Mr. Hamilton and the actions of those associated with him.

I would be inclined to bifurcate or split this particular matter just so as to relieve the County of the burden of going through a hearing.

SECRETARY KEMP: They wouldn't have to have a hearing.

MR. SIMPSON: They can work out a consent order before the hearing and that would solve that issue and whoever was to blame would show up for the hearing. Is that correct?

MS. BRUMBAUGH: Yes. I handle each respondent individually so sometimes some people sign consent orders and some people go to hearings depending on whether we can

reach a resolution or not. So there is no need to -- you can send them all over to me and I handle them individually, if that makes sense.

MR. McIVER: Well, in that event, I'd want the record to reflect that at least one board member believes they should be handled in a summary fashion and that the others, based on your reaction to the offenses, may or may not be bound over for hearing.

MS. BRUMBAUGH: Okay.

SECRETARY KEMP: Let the record reflect that. Are there any other discussion from the board?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, we've got a motion to refer these three respondents to the AG's office and a second. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: Motion carries and we can refer those up to the AG's office.

Mr. Harvey, 2009 case, number 20.

MR. HARVEY: This case was originally presented and referred back to the investigations division. Channel 2 did a summary report of people who were in the Cobb County jail in October of 2008 and ran that against voter lists and people that had holds with ICE, Immigration Customs Enforcement. At that meeting, three cases were resolved and out of 14 individuals there was some concern expressed by the board that most of these individuals were registered through the Department of Driver Services and that there was no conclusive evidence that they had intentionally requested to register. Department of Driver Services has refined their process whereas now someone has to sign an actual form that says that they registered to vote and check the appropriate box.

The first 14 people that you see on page 2 were either naturalized Americans, they were citizens, or they had been deported. So there was no evidence that they intentionally registered to vote while in a status that would not allow them to vote. So I recommend that those first 14 peoples' cases be dismissed.

We did find, however, that four individuals registered prior to becoming a citizen and in

some cases voted prior to becoming a citizen. Ms. Qasim Cheema was registered in 2005 before he became a citizen. In that, he registered by hand. He voted in 2008. Mr. Duncan Giathi registered -- he was a naturalized citizen and he voted before he became a full citizen. Mr. Fawad Khan likewise voted before he became a citizen. And Craig W. Stephenson, who is not a United States citizen, registered to vote by hand, however he has not voted.

So it is recommended that the four, Qasim Cheema, Duncan Giathi, Fawad Khan, and Craig Stephenson be bound over to the AG's office on charges that are listed.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone else wishing to speak on this case?

(Whereupon, there was no response)

SECRETARY KEMP: I assume you notified these four individuals of our proceedings?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, any motion from the board?

MR. WORLEY: I make a motion to bind those four cases over to the Attorney General's office.

SECRETARY KEMP: We have a motion by Mr. Worley to bind over Mr. Cheema, Mr. Giathi, Mr. Khan, and Mr. Stephenson. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: We've got a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. I believe we need a motion to dismiss the other 14.

MR. SIMPSON: So moved.

SECRETARY KEMP: Okay. We've got a motion by Mr. Simpson to dismiss the other 14 respondents. Do we have a second?

MR. WEBB: Second.

SECRETARY KEMP: We have a second. Any other discussion?
(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of dismissing the other 14 in this case, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: The motion carries and those four [sic] are dismissed.

Mr. Harvey, on to our new cases. 2010, number 6, the City of Cordele.

MR. HARVEY: This case involved an election in which case the complainant made five allegations. Several of the allegations, I believe, are not within the purview of the State Election Board. One of the allegations was that Crisp County had not pre-cleared the election with the Justice Department after annexation by the city of Cordele. That appears not to be something that the State Election Board has jurisdiction over. One of the concerns was that when the election was taking place, there was a part of downtown that was blocked off -- a road in front of the voting place was blocked off for Christmas tree lighting. The complainant suggested that that was deterring people from voting. There were signs indicating that people can go to the other street and enter. So it doesn't seem like that is a sustained serious complaint as far as blocking people's access for voting.

The additional allegations, however, were that family members of the candidate assisted people while he was on the ballot and in some cases illegally possessed absentee ballots. Based on that, I would recommend that Gail Wade be bound over for illegal assisting; Kay Williams be bound over for illegal assisting and also illegal possession of absentee ballots.

The other issue is the chief registrar and the board of elections rejected ballots that were assisted by these folks, which does not appear to be a legal reason for rejection. The fact that somebody illegally assists doesn't necessarily correlate with a reason to reject the ballot. But those ballots were rejected and it is recommended that those parties be bound over on those violations. I believe there is someone here to speak on that.

SECRETARY KEMP: Are those that we have under the first part of the response, those are all county and city folks?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak?

MR. COTTON: Mr. Chairman, my name is Thomas Cotton. I want to ask you a couple of questions, if I can, so I will know how to proceed. There has been substantial --

SECRETARY KEMP: Mr. Cotton, if you wouldn't mind, just give us your address for the record.

MR. COTTON: That's one of my questions. It is already in your file. Do I have to give it to you again?

SECRETARY KEMP: We have someone recording the transcript.

MR. COTTON: Oh. Sorry about that.

SECRETARY KEMP: Thank you.

MR. COTTON: The addresses 119 12th Avenue East, Cordele, Georgia 31015 or Post Office Box 897, Cordele, ZIP 31010.

SECRETARY KEMP: Thank you.

MR. COTTON: My full name is Edwin, middle initial T, Cotton. Now, is it all right if I talk?

SECRETARY KEMP: Yes, sir. You go right ahead.

MR. COTTON: All right. I would like to know, though, before getting into this, is the investigatory file that Mr. Hernandez has put together, is it in your respective individual possessions?

SECRETARY KEMP: Mr. Harvey, do you want to address that?

MR. HARVEY: They have the executive summary and report of investigation, but they don't have the entire file with all the exhibits.

MR. COTTON: They don't. All right. I gave affidavits to Mr. Hernandez -- original affidavits to Mr. Hernandez -- and I have listened to those that appeared before me and they have tendered affidavits. I have copies of the affidavits that you have the originals of. Can I tender these affidavits?

SECRETARY KEMP: Yes.

MR. COTTON: Okay.

SECRETARY KEMP: If the board will make a motion to accept those affidavits as I'm sure we will.

MR. SIMPSON: So moved.

SECRETARY KEMP: I have a motion. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion and a second. All in favor of accepting the affidavits, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: The motion carries and we will accept the documents.

MR. COTTON: Give them to you, Mr. Chairman?

SECRETARY KEMP: Yes.

MR. COTTON: This is the affidavit of Ms. Williams and this is the affidavit of Gail Wade. I also have an affidavit of myself regarding -- I don't know if this is necessary, but while I'm here I guess I might as well do this -- regarding some of the other allegations that were made by the complainant and (unintelligible).

Now, I don't know where we can go with this. I need to tell you another couple of things. This gentleman here is Jerome Outlaw. He is my chairman of the Crisp County Board of elections. Our elections supervisor is a lady by the name of Brenda Turner who was supposed to be here. Actually, I've been getting up every few minutes -- I've probably annoyed you people -- because I have been looking. They haven't come and Jerome just appeared a few minutes ago and tells me that Ms. Turner had a death in the family and therefore she is not here. She was planning to address the charges regarding that which you contend they did wrong; that the elections personnel did wrong. I was going to talk to you about Gail Wade and Ms. Williams. Therefore, I'm a little --

SECRETARY KEMP: Let me ask you this. If you feel like Ms. Turner needs to be here to address the board, I think if she has had a death in the family and couldn't get here today, I'm sure the board might be sympathetic to moving this to our next meeting if that's what you like to do.

MR. COTTON: Would it be possible to move it to this idea of a consent order so that we don't have to make this long trip back up?

SECRETARY KEMP: Well, that's a decision that the board would make. You could certainly request anything you would like of us.

MR. COTTON: Well, my two ladies --

SECRETARY KEMP: I will tell you that if we proceed, you know, we are going to probably act today. I can't promise that we are, but if you are wanting Ms. Turner to be here, now would be the time to ask us not to proceed with this case that we will move on if the board sees fit and we can address this at another meeting. Or if you want to go ahead and speak on behalf of your clients, we can move forward.

MR. COTTON: Let me ask you this. Can we bifurcate this thing such that Turner and Jerome reappear at the next meeting and Wade and Williams are dealt with here today?

SECRETARY KEMP: I would assume that we can do that.

MR. McIVER: We would have to do it by motion. He would need make a request and state the grounds.

SECRETARY KEMP: Well, we can certainly -- I think it appears that the board is willing to do that if you would like to request of us now to hold off on part of his case dealing with Ms. Turner and the County, we could consider that.

MR. COTTON: That's what I would like to do, Mr. Kemp, if at all possible because inasmuch as she was coming, I don't even know quite what --

SECRETARY KEMP: Does the board have a motion to remove the respondent Ms. Turner and the City of Cordele, Crisp County Board of elections, the chairman, Mr. Outlaw, off of the agenda today due to Ms. Turner having a death in the family and we can address that at our next meeting?

MR. SIMPSON: So moved.

SECRETARY KEMP: Okay. We've got a motion. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: Any more discussion? Anyone else wishing to speak in regards to this motion?

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: We will deal with that, Mr. Harvey, at our next meeting. Now, Mr. Cotton, if you want to address Ms. Wade and Ms. Williams.

MR. COTTON: Ms. Wade is the wife of our chairman that was involved in the election that's under scrutiny here. Ms. Williams is the sister-in-law. They were both actively involved in campaigning. We're talking about eight total votes. I realize that one total vote is probably --

SECRETARY KEMP: One too many.

MR. COTTON: Yes. And that would not be looked upon with any sort of -- I don't

know what. I'm thinking that the total votes were 150 points -- that there was 150 points difference. There were eight --

SECRETARY KEMP: Let me just tell you, Mr. cotton, we are not concerned about the results of the election. We are concerned with potential violations of the law. So if you would like to speak to that, please.

MR. COTTON: These ladies in these affidavits have acknowledged that they did wrong.

SECRETARY KEMP: Okay.

MR. COTTON: They did not know -- they did not realize they were doing anything wrong and I guess I'm just kind of throwing them on the mercy of this committee.

SECRETARY KEMP: All right. Any questions for Mr. Cotton?

MR. WORLEY: I just want to be clear. You are representing those two women?

MR. COTTON: Yes. And they have been totally cooperative. I think that Mr. Harvey will state such. These are two cornerstone members of the First Methodist Church choir and they almost had a coronary when Mr. Hernandez appeared at their door wanting to talk with them about these issues that they didn't even realize that were out there. They talked to personnel at the elections office, Mr. Kemp, and apparently didn't understand what they were told. They thought they could assist 10 people and that's, I think, stated in this affidavit. They just acknowledge their wrong and I recommend that you issue a letter of reprimand. Whatever you can do that's the least consequential.

SECRETARY KEMP: Any other questions for Mr. Cotton?

(Whereupon, there was no response)

SECRETARY KEMP: All right. Thank you. Anyone else wishing to speak in regard to this case? Yes, sir.

MR. YOWE: Good morning, Mr. Chairman and the board. I am Antoine Yowe. Since this election, I have relocated --

SECRETARY KEMP: Mr. Yowe, if you don't mind, spell your last name and give us your address.

MR. YOWE: It's Y-O-W-E.

SECRETARY KEMP: Okay. Thank you. And what's your address?

MR. YOWE: Since the election I've relocated to 213 Barker Road in Simpsonville, South Carolina.

SECRETARY KEMP: Thank you, sir. Go right ahead.

MR. YOWE: First of all, I just want to say that I understand that this proceeding today, that there are certain jurisdictions that you do not have. I do want to point out that our local municipality had not been in compliance with a federal law for 20 years. As well, I would like to point out the fact that ignorance of the law is no excuse. We all have to obey each law that is passed down by our state and our government on a daily basis and if we continue to allow people to break the laws that we call insignificant, then we will begin to live in the world that is lawless.

So I am asking this panel to hold the stated individuals accountable and take some harsh action and send a message, not only back to South Georgia, but to Georgia that if you break the law, regardless of your social status, regardless of what position you are in the church, you will be held accountable. Thank you.

SECRETARY KEMP: If you don't mind, I have a question for you. The federal law that you referenced that the city has been violating, has it been dealt with in this case or is it something different?

MR. YOWE: Since the charges have been made our city have went back and got the Department of Justice to approve the annexation. I would like to point out in a Superior Court case one of the things that was handed down by the judge was for our city and municipality to make sure in all elections moving forward that we have been pre-cleared for the election. But this election that we just had, I just recently found out that there have been some reports to the Department of Justice that there were some things that were not pre-cleared that went on in the election.

SECRETARY KEMP: Hang on one second. Mr. Harvey, is that what you were referencing earlier that we didn't have jurisdiction over?

MR. HARVEY: That's correct. Not -- are you talking about the election of last week?

MR. YOWE: Well, the election in 2000 -- I think it was 2009 or 10. The Department of Justice had not pre-cleared, under the 1965 Voting Rights Act -- had not pre-cleared Crisp County -- Cordele -- not Crisp County -- Cordele in over 20 years.

SECRETARY KEMP: So that's what you're saying we don't have jurisdiction over as the State Election Board?

MR. HARVEY: That's correct.

SECRETARY KEMP: Okay.

MR. YOWE: And those that were able to vote in that election were far greater number than eight. But, however, it's still just one -- that one person break the law.

SECRETARY KEMP: Any questions from the board for Mr. Yowe?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for taking the time to be here today. Anyone else wishing to speak in regard to this case?

MR. COTTON: Mr. Kemp, do I get a rebuttal?

SECRETARY KEMP: I will give you just a minute. If you don't mind, state your name and quickly your address again for the record and use the microphone, please.

MR. COTTON: Tom Cotton, attorney for the city of Cordele. Regarding the preclearance that Mr. Yowe referenced, that is addressed in my affidavit also. The city had not, for 20 years prior to this election, gotten -- had not even applied for pre-clearance on annexation. That's what we are talking about. There were like 400 properties that had been brought into the city and not properly handled. We had -- we, meaning myself, my staff, and part of the city -- had spent a month or six weeks prior to the election in getting all of this together and done and we had all of these annexation pre-clearance requests in the office of the Department of Justice prior to this election that happened in November.

SECRETARY KEMP: We really -- we don't have jurisdiction on that so I'm going to just go ahead and move on.

MR. COTTON: Okay.

SECRETARY KEMP: Anyone else wishing to speak in regard to this case?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, to have a motion by the board?

MR. McIVER: I move we bind over the remainder of this case. We certainly want to include Ms. Wade and Ms. Williams --

SECRETARY KEMP: I think that's who we would be binding over; correct, Mr. Harvey?

MR. HARVEY: That's correct.

SECRETARY KEMP: Just these two individuals: Ms. Wade and Ms. Williams. We have a motion by Mr. McIver. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion and a second. Any discussion? Mr. Simpson?

MR. SIMPSON: What about the registrar and the board of elections?

SECRETARY KEMP: We've already taken a motion to hold them until the next meeting because Ms. Turner could not be here today.

MR. HARVEY: They have been separated out.

SECRETARY KEMP: All right. We have a motion and a second. Is there any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, we're voting to bind over Ms. Wade and Ms. Williams to the Attorney General's office. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

All right. Mr. Harvey, 2010, number 13, Jenkins County.

MR. HARVEY: This case involves a municipal election in Millen. This case was brought to the attention -- a voter went to vote on election day and was told that she had already voted absentee. She knew she had not so she went to the voting office and found out that her daughter had actually completed an absentee ballot application and then signed her -- voted and signed her absentee ballot for her.

When we spoke to the daughter, the daughter indicated that candidate Walter Thomas had come to their home seeking to get absentee ballot applications. He told them, hey, it's fine to fill in your mom's name and sign your mom's name. A couple of days later when the ballot came, he came back and told them, hey, it's fine for you to vote the ballot and sign your mom's name. Give it back to me and I'll take it. So she did that. There were actually two daughters, Shavon Kimbrough and Rahesha Kimbrough. One signed the ballot application for the mother and the other signed the ballot. We know in that case Walter Thomas left with the ballot.

Based on that, we went and pulled the absentee ballot envelope and absentee ballot applications and we found multiple cases where Walter Thomas, Evelyn Reese, and John Washington assisted voters who either did not need assistance or did not qualify for assistance; assisted more people than they were allowed to; and in some cases, may have filled out ballot envelopes in the apartment of Mr. Thomas, or Mr. Thomas's home.

Evelyn Reese, who is a neighbor to Mr. Thomas indicated to the investigator that she may have signed as assisting somebody in one of the stacks of absentee ballot envelopes that she saw at Mr. Thomas's house. There were people that she was signed as having assisting that said she didn't assist me; I don't know who she is. She's never been at my house.

So on the -- there's a chart at the end of the executive summary that lists the voters that voted absentee and who they received assistance by. And Walter Thomas and Evelyn Reese are clearly the most culpable, I believe, in the violations. We recommend that Walter Thomas, Evelyn Reese, John Washington, Shavon Kimbrough, and Rahesha Kimbrough all be bound over on the charges stated. In addition, the chief registrar accepted the absentee ballot from the original complainant without verifying the signature. So our recommendation is that all these respondents be bound over to the AG's office.

SECRETARY KEMP: Mr. Harvey, the registrar, she made the original complaint?

MR. HARVEY: No, sir. The original complaint is the woman whose daughters voted her absentee ballot for her.

SECRETARY KEMP: Okay.

MR. HARVEY: I take that back.

SECRETARY KEMP: I was thinking the complainant was the registrar.

MR. HARVEY: You're correct; I stand corrected.

SECRETARY KEMP: So she make the complaint and then had -- was it just one ballot that she didn't check the voter registration card on?

MR. HARVEY: As far as we know. Yes, sir.

SECRETARY KEMP: Any other questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak in regards to this case?

(Whereupon, there was no response)

SECRETARY KEMP: No one else? All right. I will accept a motion. I would like to know the board's thoughts on potentially a letter of instruction versus binding over for the registrar since she did make the complaint. But I'm open to whatever.

MR. HARVEY: Mr. Secretary, I would like to just add also, there were apparently three absentee ballots that were not certified when they came in -- technically marked as they came in, which is also a violation. It's listed in the report. But there was just the one we know of where it appears she did not check the signature.

SECRETARY KEMP: Any other discussion or motion?

MR. SIMPSON: I move that we separate out the case against the chief registrar and registrar's office from the other respondents.

SECRETARY KEMP: We don't really need a motion to do that. You can just make a motion to deal with whoever you want to.

MR. SIMPSON: Okay. Well, I move that we bind over the case against everyone as charged except the chief registrar and the Jenkins County registrar's office.

SECRETARY KEMP: We've got a motion by Mr. Simpson to bind over Mr. Thomas, Mr. Washington, Ms. Reese, Ms. Kimbrough -- Rasheed Kimbrough [sic]. Do we have a second?

MR. WEBB: Second.

SECRETARY KEMP: We've got a motion and a second. Any other discussion from the board?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of referring to the AG's office, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Do we have a motion to deal with Ms. Becton?

MR. McIVER: Well, I'll move that it be bound over to the AG's office for the specific guidance of the appropriate consent order being negotiated that adds the provision requiring re-training so that these actions do not occur again.

SECRETARY KEMP: We have a motion from Mr. McIver. Do we have a second?

MR. WEBB: Second.

SECRETARY KEMP: We have a motion and a second. Any further discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: Ms. Becton is referred over with the instructions in the motion.

All right, Mr. Harvey, moving on to 2010, number 33; is that right?

MR. HARVEY: That's correct. This case involves the Honorable Christina Graham, Superior Court Judge in Chattooga County. It is essentially a question of law more than a question of fact. In 2005 Judge Graham became an inactive member of the Georgia Bar by paying inactive member dues. When she completed her qualification -- her candidacy affidavit prior to running for office in 2008, she signed that she was qualified to hold the

office. The question is essentially whether an inactive member of the bar is qualified to hold the position of Superior Court Judge.

There are code sections cited in the report that, frankly, most of the members of the election board members would be more familiar with than I. We did find an unofficial opinion from Mr. Dennis Dunn in the State of Georgia AG's office essentially saying that a person seeking judicial office requiring the practice of law would have to be a member of the State Bar and be in good standing with the bar rules. I will leave that to the board's discretion and wisdom to apply that law.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone else wishing to speak?

MR. BONDURANT: My name is Emmett Bondurant. My address is 1201 West Peachtree Street, Atlanta, Georgia 30309. I represent Judge Connelly. As a matter of law, there is nothing false in this affidavit. If one reads the investigator's report, as a member of the bar she should have been aware of the requirements to practice law in the State of Georgia, meaning that she should have understood that a judge had to be engaged and authorized to be in the active practice of law. As a matter of Georgia law under the code section, Superior Court judges are prohibited from practicing law as a matter of law.

But even more fundamentally, the requirements and the qualifications for office for the Superior Court are set forth in the Constitution. There is a single requirement set forth in the Constitution and that is that a candidate for a Superior Court judge has been admitted to the bar for seven years. It's undisputed that Judge Connelly was admitted in 1978 and actively practiced law until 1992 when she was first appointed and re-elected multiple times.

The Constitution further provides that the General Assembly could provide other requirements. The General Assembly has by requiring an age requirement and a county of residence requirement and adding that the practice of seven years must be active practice. She had seven years of active practice; in fact, she had 14. But there is no requirement under Georgia law that she be an active member of the State Bar or quote, a member in good standing. Moreover, if one reads the other two provisions in the State Constitution, which I cited in a letter to each of you, dealing with the Attorney General and dealing with district attorneys, the Constitution expressly requires that they be active members in the State Bar. Why is that? Unlike Superior Court judges, in order to perform the duties of those offices, they must actively practice law. A Superior Court judge, on the other hand, is prohibited from actively practicing law.

Finally, this has nothing to do with her qualifications for office. The affidavit is correct. She met all the qualifications. Any issue about payment of bar dues is simply a matter for the State Bar, which accepted her bar dues in 2010 and she paid the back dues as an active member covering years 2005 to 2009 and paid active member dues in 2010 and 2011. The State Bar has accepted it so this is really not an election matter. This is a matter, if for anyone, it's for the State Bar and the State Bar has taken no action whatsoever about the complainant throughout this entire period. There is no case law anywhere that has said that a judge must be an active member of the State Bar at the time he or she runs for office or holds the office. None. And so the affidavit is clearly correct.

Moreover, if you want a simple example, under the way the Constitution is written and the statutes are written, if a lawyer has practiced for seven years, during which time you would have to be an active member, you could become an inactive member. My wife would be a good example. She practiced law for 20 years, decided to go into the ministry, and is now a Presbyterian minister, but is still an inactive member of the bar. She could qualify to run because there is no requirement that she be an active member of the State Bar in order to run for the office.

So the complaint is based on a misunderstanding of the law as the complaint itself reflects. She should know the requirements of practicing law. She does. As a Superior Court judge she cannot practice law. Therefore, we would urge the complaint be dismissed as unfounded.

SECRETARY KEMP: Any questions for Mr. Bondurant? Mr. McIver?

MR. McIVER: Mr. Bondurant, it's a great pleasure to have you appear before us, sir.

MR. BONDURANT: Thank you, sir.

MR. McIVER: Someone of your standing on the Georgia Bar. It's a great compliment to the Judge as well that she would have you here. First, are you promising us that your wife is going to run for the Superior Court?

MR. BONDURANT: I would like for her to come back and practice law if I had my choice, but she sees a higher calling. Thank you.

MR. McIVER: I lost a staff member to the ministry recently and I don't know how you respond to that. When God calls you don't say, well, no this is more important. So your argument today, then, is that -- is this matter properly before us or not?

MR. BONDURANT: On its face, the complaint is not well stated. But also if there were anything to deal with about whether she paid the proper amount of dues, that is a matter exclusively not for the election board, but for the State Bar. So it really is two

arguments. There is no election violation because there is no false statement. She was fully qualified under the Constitutional laws of the state of Georgia to run.

MR. SIMPSON: Isn't there some statute that requires an objection to the qualifications of candidates be filed within so many days of an election or filing of notice of candidacy?

MR. BONDURANT: I believe that also to be the case and no objection was filed.

MR. SIMPSON: It will put it in the jurisdiction of the Superior Court if the statute provides for that relief. Is that correct?

MR. BONDURANT: If somebody filed an objection on that basis and it went to a Superior Court, I would expect the Superior Court to dismiss it for exactly the same reasons.

MR. SIMPSON: I mean the fact that the statute provides for that remedy, does that take it out of our jurisdiction?

MR. BONDURANT: Candidly, I don't know the answer to that question, but intuitively, I would say it would take it out of the jurisdiction if there were such a complaint. That would put it in the Superior Court. But in the absence of a complaint, certainly I think you would have jurisdiction to deal with false statements and affidavits of candidates. If a candidate certified -- as one of the earlier cases that you heard -- that they were qualified to run what they had been adjudicated but were still liable for taxes, then that would be a violation of that affidavit. But here it's a purely factual matter, or a purely legal matter. The question is what she signed the affidavit that says I'm qualified for office, was that a true statement or not? It was a true statement because as a matter of fact she was qualified to run for the office and active membership in the State Bar is not a condition of her running for office.

I hope that answers your question. I may have told you more than you wanted to know.

SECRETARY KEMP: Anybody else? Anyone else wishing to speak in regard to this case?

(Whereupon, there was no response)

SECRETARY KEMP: If not, I'm ready for a motion.

MR. McIVER: I move that we close this matter. I have an argument at the appropriate time, but for now, I'll make the motion.

SECRETARY KEMP: We have a motion. Do we have a second?

MR. WEBB: Second.

SECRETARY KEMP: We have a motion and a second. Any other discussion? Did you want to make an argument?

MR. McIVER: Perhaps it's not necessary, but my view is this is more a question of the bar and how the Georgia Bar how the Georgia Bar will deal with this matter, no so much us. Since we do not have an a question before us of the objection to candidacy or the veracity of the candidate's affidavit, in my judgment, it does not fall within the purview of the SEB, but rather the Georgia Bar should, in this instance, indicate how they treat the status of somebody that's inactive.

For example, I'm a member of other state bars and I'm inactive in those bars (unintelligible) qualify for practice before their courts. But those statutes are very clear as to what my privileges are and it's largely appearances more than anything else that I can function as a member of the bar and in what regard and that's the way I interpret Georgia's. So for those reasons and others that may be apparent, I would hope that our motion is favorably ruled upon here.

SECRETARY KEMP: Mr. Worley?

MR. WORLEY: Well, I would vote to dismiss the case as well because I don't believe as a matter of law that the judge made a false statement because she appears to have met all of the qualifications of the office. I did look at the cases that Mr. Harvey had cited and Mr. Dunn's unofficial opinion of the Attorney General and those cases seem to be based on statutory requirements that someone be a member of the bar for a certain number of years preceding an election and that is specifically stated in the statutes in relation to those offices. That's not the case here and I'm in agreement that there is no requirement in the Constitutional statute that someone be an active member of the bar to run for the Superior Court.

SECRETARY KEMP: Do y'all think it would be worthy of us addressing this with the elections advisory council? Is there language in the code that would make sense to clean up this or do you think the law is speaking the right direction now?

MR. SIMPSON: I think it's a matter for the State Bar to address. And I think there will be a lot of lawyers who are surprised that you don't have to be an active practicing attorney to qualify to be a Superior Court judge. But I think on close inspection, as we've seen here today, that's the case. But if the State Bar or Judiciary thinks that should be changed, that's a matter for those on the legislative council and the legislature. It's not a matter for us. I think that would be the way to do it.

SECRETARY KEMP: Well, for those folks that have an influence with the bar, if there's anything we can do in the Secretary of State's office that they think needs to be done legislatively to clear this up where we don't have to spend time on these type things in the future, we're certainly willing to do that.

Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of dismissing this case, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: Motion carries. Thank you for being here.

All right, Mr. Harvey. Moving on to case number 2010, number 66, Ben Hill County.

MR. HARVEY: Yes, sir. This involves the August 10, 2010 runoff election. At one precinct they were using the new scanners that are used for drivers licenses to check people in to vote. At that precinct, Frances Young, who is the manager, thought that optic scanner replaced the voter certificates so there were no voter certificates that were done at their precinct. It's recommended that -- the executive summary has citations for Cindy Dunlap as the elections supervisor for not providing adequate training and also the individuals -- we've got the state board rule listed, but also I would add the state law 21-2-431 and 21-2-432 for not using voter certificates for the precinct.

I received a letter from the attorney for Ben Hill and I don't know if she is present. She is present. So I recommend that respondents be bound over on the charges stated. In addition, as I said, 21-2-431 and 21-2-432 that are not listed in the summary.

SECRETARY KEMP: Any questions for Mr. Harvey? Yes ma'am.

MS. SAWYER: Good morning. My name is Toni Sawyer. My mailing address is Law Offices of John T. Croley, Junior, P.O. Box 650, Fitzgerald, 31750. As Mr. Harvey stated, I am the County attorney for Ben Hill County and I am here on behalf of Ben Hill County; the Ben Hill board of registration and elections; and Ms. Cindy Dunlap, who is the supervisor of the elections office.

As Mr. Harvey stated, this goes back to August 10, 2010, special election for sales by the drink. Ms. Frances Young was actually the assistant poll manager at one of our voting precincts. She failed to take voter certificates. Actually, she failed to take them out of the box; she just didn't do it. At the end of the day, our supervisor, Ms. Dunlap, contacted Ms. Young because she noticed there were no voter certificates for the 25 people that voted at this precinct. She contacted Ms. Young. Ms. Young said she didn't provide any voter certificates. Ms. Young was called and the next day and Ms. Dunlap and the chairman of the board of registration and elections spoke with Ms. Young again. She again admitted she did not give any voter certificates.

I do want to make sure you understand it was only 25 people. It's a real small county. She could've called. But Ms. Young did state that she did not provide voter certificates at that time. Ms. Young was notified that she was going to be let go and that a complaint was going to be filed and that's exactly what our office did.

There was adequate training prior to the election. All the poll workers were trained. In addition to the fact that there was a new scanning system, Ms. Young was very familiar with voter certificates because she has worked with us for years prior to the August 10, 2010 election and we do have in storage voter certificates where she has signed off on them before.

I stand before you today and respectfully request that you bifurcate this complaint and hold Ms. Young accountable for her actions. She was well aware of what she was supposed to do. Our board gave adequate training. Ms. Young, as I stated before, as provided for certificates in previous elections which she signed off on and I would just request that you please dismiss this complaint as to And Hill County, the board of registration and elections, and Ms. Dunlap.

SECRETARY KEMP: Any questions for Ms. Sawyer? Is there anyone else wishing to speak regarding this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Any thoughts from the board? I will just add that I know Ms. Dunlap; I have seen her at our many training sessions and I know they're very diligent about attending that and doing what they're supposed to do. I have visited there several times and I certainly would think that a letter of instruction and maybe some direction from the board to make sure the counting assures us the proper training is going on may be in order. I'm certainly willing to bind over Ms. Young ordeal with her how ever the board would like. I want to see with the direction of the board will be.

MR. SIMPSON: I move to bind over Ms. Young.

MR. WORLEY: Second.

SECRETARY KEMP: All right. We've got a motion to bind over Ms. Young and a second. Any other discussion?

MR. WEBB: I'm sorry. Can we get a clarification of the motion.

SECRETARY KEMP: The motion was to bind over Ms. Frances Young to the AG's office and we had a motion and a second. Is Ms. Young here? I want to make sure we allow her to speak if she wanted to. Okay. Any other discussion on this motion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of binding over, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Do we have a motion dealing with Ms. Dunlap and the board of elections? I'll make a motion that we sent a letter of instruction to the board of elections and Ms. Dunlap in regards to this matter and also require the County to submit to us so that we are assured that the proper training is going on with the poll workers where we won't have this happen again in Ben Hill County.

MR. WORLEY: I second that motion.

SECRETARY KEMP: We've got a motion and a second. Any other discussion?

MR. McIVER: May I offer an amendment that they be required to submit a training program for which your office, Mr. Secretary, would determine (unintelligible).

SECRETARY KEMP: Do you want to make a substitute motion? Would an amendment be in order?

MR. McIVER: I will just move to amend and see if we get a second.

SECRETARY KEMP: All right. We've got a motion to amend. I will second that. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: All right. Now we're going to vote on the amended motion. Everybody clear on the board with the amended motion is? Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: All in favor of the amended motion that was seconded by myself signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

MS. SAWYER: Thank you.

SECRETARY KEMP: All right. Case 2010, number 127, Screven County.

MR. HARVEY: This case involves the 2010 general election runoff. We had monitors doing inspections of voting places. A monitor went to two precincts in Screven County and found out that they had only two poll workers working at the time. It was brought to the attention of Judge Brown who said that she was only staffing with two because of budgetary constraints. However, she did correct the problem and added the third additional poll worker after being advised by our office.

We've got Screven County and Judge Brown cited under 21-2-90 for not staffing precincts with a chief poll manager and at least two managers. I don't know if the board is interested in a consent order or referring to the AG's office.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. WORLEY: Mr. Harvey, it's unclear to me from your report whether they had only two poll workers at the two precincts that were brought to your attention or they had only two poll workers at every precinct in the county.

MR. HARVEY: I know they had only two poll workers at every precinct. One second, please. I don't believe we know the answer to that question, Mr. Worley.

SECRETARY KEMP: Mr. McIver?

MR. McIVER: Mr. McIver . What is your recommendation for this, Mr. Harvey?

MR. HARVEY: Our recommendation would be that they be bound over to the attorney general's office.

SECRETARY KEMP: Mr. Simpson?

MR. SIMPSON: There is a statement in your report that said payroll records for personnel staffing would suggest three workers were present after Judge Brown was notified.

MR. HARVEY: That is correct. She corrected the problem.

MR. SIMPSON: She corrected the problem immediately?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: But that was after our investigator --

MR. HARVEY: That is correct.

SECRETARY KEMP: All right. Anyone else wishing to address us on this case? Is there anybody here from Screven County?

(Whereupon, there was no response)

SECRETARY KEMP: Okay. I guess we're ready for our motion.

Mr. McIver. I move to bind it over.

SECRETARY KEMP: I will second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of binding over to the attorney general's office, signified by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: The motion carries and it is bound over.

All right, Mr. Harvey. 2010, number 128, Chatham County.

MR. HARVEY: This case involved the November, 2010 general election in Chatham County. The allegation by the voter was that she was not afforded sufficient privacy in casting her vote; that the DRE machines were too close together to where the check-in table was; and the people standing in line could see how she was voting. The investigation revealed -- she also provided a photograph that might be helpful to the board if the board would like to see a photograph of the polling place.

SECRETARY KEMP: We don't need a motion to accept our own document, do we?

MR. HARVEY: I don't believe so. The explanation of Chatham County was that they were using a school and had previously been using a much larger space. When they got there to set up, they were put in a much smaller room and they do the best that they could with the space they were given. That being said, however, it does appear that there were not six feet between the potential voters at the DRE machines.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone else wishing to speak? If you don't mind, just state your name and address for the record.

MR. BRIDGES: My name is Russell Bridges and I'm the elections supervisor for Chatham County. The address is 1117 Eisenhower Drive, Savannah, Georgia. We received this complaint two days after the election. We were not notified by the voter on the day of the election so we were not afforded an opportunity to go out and actually inspect the site. Had we gotten this complaint from the voter during the operating day, we would have sent some of our staff out to measure this.

I reviewed this picture and, you know, quite honestly, when I received the picture in the mail, I was rather concerned that a voter was taking pictures inside a polling place. The poll manager and I had a discussion about this after I received it. Since I was not aware of it, I wanted to get the facts of the case. The voter attempted to take pictures inside the

polling place several times and he did stop her. However, this was sort of a parting shot heading out the door.

Had she contacted us and we had a chance to measure this out to see if there was a problem, we would have taken steps to correct it at that time. In my view -- you all have the picture; I didn't bring a copy with me -- it's really not conclusive that they are within six feet. If you look at where the machines are placed, it is beyond where the line is. The backs of those voters in line for the check-in table are to the back, or back to the machine, and the line starts off to the right of it. There may be some room for a judgment call here, but I don't feel like it is within six feet. Again, had we been afforded an opportunity, we would have corrected it.

The poll manager had never set up in this room. He came in at 6:00 in the morning and was informed by the school that they had relocated him to the health education room. So I think he did an admirable job. Once we did receive this, we did work with him and adjust for the runoff that followed on November 30 and had no further complaints. But this one voter was the one person that took exception to this issue from the complaint that was addressed to you, sir, you will note that there were several other things that she found exception with, also.

SECRETARY KEMP: And that was after you all told her she couldn't take her picture in the polling location?

MR. BRIDGES: Yes, sir. So I think the manager did quite a job in managing this person who was in the poll for about 15 minutes creating some measure of consternation. But, you know, she challenged the person at the express poll when they took her receipt and they wrote a number: What are you writing this for; this is privacy. These types of things. I do not believe we have a true violation here and, again, we have no way of checking since we were not afforded that opportunity on that day.

SECRETARY KEMP: Any questions for Mr. Bridges? Mr. McIver?

MR. McIVER: Mr. Bridges?

MR. BRIDGES: Yes, sir.

MR. McIVER: Thank you for coming all the way today.

MR. BRIDGES: It's a long trip.

MR. McIVER: We've done the reverse. We know.

Obviously, one of our obligations is to ensure the integrity of voting and wrapped around that is making sure that it is simple and people know who is really in charge. So my concern here is, if I could use an example, say your poll manager arrives and the school official shows them a room that is ridiculously small -- janitor closet or something that absolutely wouldn't do. What is the authority of the parties here? What authority does the poll manager have? What should he have done given even a worse facility to this? And I will close by asking is this something that we need to clean up by way of legislation? We regularly ask the Legislature to assist us in making this code more understandable and more simple in this regard. But I see the conflict here of the school official versus election official. Perhaps you could help me with that.

MR. BRIDGES: Well, in this case had the poll manager been shown, say, a janitor's closet, he would have taken exception to that. When he saw the room, he judged that there was sufficient space, albeit significantly smaller than the cafeteria that he is normally used to. In looking at the photo, there is sufficient space in there for him to manage it. The line is outside -- the primary line is outside the door of the poll it and everything is arranged inside. He had no problems with the flow or managing the voters. In fact, if you look in the picture, you will see one voter off in the back of the poll who is actually waiting to get to a machine. They're probably 10 to 15 feet back from the machine. So there was adequate space.

Had he, however, had exception, he would have raised that exception at that point in time and should he encounter any difficulty, he would have contacted us. We have an extremely good working relationship with the school system. We have contacts and we have people that give us emergency contact information. We would have taken immediate steps that morning had there been a problem. We have it in most of our polling places where we have backup contact information should there be a problem.

MR. McIVER: So the training of the poll manager is such then that if they are not satisfied with the room, which can be a very subjective decision, I'm sure, but if they are not satisfied with the room there is a procedure or protocol in place for them to correct that?

MR. BRIDGES: Again, if they went in and the person said this is where you're going to be and they walked in and they said there's no way we could do this, yes. The first thing they would've done is the same thing: if they can't find a suitable spot, they would have notified us and we would have worked with them to remedy it, either by setting up in a hallway or another area of the school. But we would have found some way to make it work.

MR. McIVER: My last question, then, is what is your position? For example, do you feel there has been any violation of the code here; State election code?

MR. BRIDGES: Actually, I don't believe so because I believe in the past, prior to this poll manager being in this facility, that we had used the space one time before, but that was with a different poll manager who set it up. But this poll manager, again, when he walked in and the coach said this is where we're going to put you, he did not perceive a problem and I think in the letter the forwarded to us -- I believe Mr. Harvey has a copy of that letter -- he said that, you know, it was small, but he was able to make it work. But most of the time if a site -- and school systems really don't relocate us that often, but they have. Most of the time, if it's like a church that's going to put us in an alternate location, they give us notice and we go out and review the location and if we need to, we adjust the layout of that poll before the election.

But, again, on election day, if they encounter some problems with it, most of the time they are going to do the best they can to accommodate us and they really do work with us well.

SECRETARY KEMP: I think this would be an issue, Ms. Ford, that we could address in training over the next year as part of our normal training to make sure that election superintendents are making sure their poll workers know that if they experience something like that on election day to call and make sure somebody knows what's going on where we won't have a problem if there are changes like that.

MR. SIMPSON: The only objective requirement you have is that the machines cannot be closer than six feet together; is that correct?

MR. BRIDGES: Well, six feet from a voter approaching a machine. So in this case, the line from the entry to the poll to the check-in table -- those people waiting in line should not be within six feet of the machine. But the machines have to face the interior of the poll so the poll manager can stand in the room and see everything from one perspective and they have to be able to see the screen in the machine. That's what it states in the --

MR. SIMPSON: Say you're walking down to the third machine on the wall. As you walk down, you can see every machine until you get there and see who's voting on the machines, can't you?

MR. BRIDGES: If you are close enough behind them. If you walk up close enough behind a voter in you stand between him in an angular perspective, you could see over their shoulder. But the machines are also designed that from an angle they are harder to read. If you ever stand two or three feet behind someone who is out on the machine -- and I have personally witnessed this we have our staff preparing machines -- I'll stand behind them looking over their shoulders sometimes and it is harder to read the screen. But if I get close enough, yes, I can make out what it's saying.

But a poll manager's job in a polling place on election day, if they see somebody kind of lollygagging along behind the voters, their job is to move them along and they don't let them do that. They hold them -- as I say, you can see somebody queued for a machine and they are adequately behind. So they give them a card and we don't hand out a lot of cards ahead. If you are next in line and you have your card and you're waiting on a machine to clear, we don't have a lot of people behind you holding cards waiting on a machine. In that way we don't have people encroaching on others.

SECRETARY KEMP: Any other questions for Mr. Bridges?

(Whereupon, there was no response)

SECRETARY KEMP: Anybody else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: I'm prepared to take a motion.

MR. McIVER: I move we close this case.

MR. WORLEY: And I second that.

SECRETARY KEMP: We've got a motion to close and a second. I want to just also tell you, Mr. Bridges, we appreciate what you're doing and thank you for coming so far today. That gives us some good insight on continuing to train and we will do that. We appreciate you being here.

All in favor of the motion to close, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: The motion carries. We're going to take one more case before we go to lunch. Case number 2010, number 105, DeKalb County, the Wilson case.

MR. HARVEY: Yes, sir. This case revolves around a then-Supreme Court candidate, Matt Wilson. The facts revealed that he registered to vote for the first time in 1988 in DeKalb County where he has resided. He has voted there 20 times up until November of 2004. He changed his address on his driver's license to his office, which is in Fulton County. He then, in 2006, voted six times in Fulton County. In June, 2010, he reregistered to with DeKalb County when he filed his candidacy and affidavit to run and

then proceeded to vote in Fulton County in June and then in 2010 he voted three more times in DeKalb County. So there are several cases where he has voted where he doesn't live and it is recommended that -- well, it's also indicated that in filling out voter certificate where you put your -- where you live, it should indicate your address as opposed to a mailing address. So it is recommended that the listed violations be bound over to the Attorney General's office.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to address us?

MR. BROADBEAR: No question. I'm Mike Broadbear. My office address is 4330 Georgetown Square, Suite 500, Atlanta, Georgia 30328. I am the attorney for Matt Wilson. I was not aware of what the recommendation of the gentleman was going to be. I would ask if you can to move this to the next meeting of the board so we can have time to prepare.

SECRETARY KEMP: That's normally not what we do, but we will be glad to hear any argument you have. Basically, taking it to the Attorney General's office where they are going to actually look at all the facts of the case and get both sides of the story and take appropriate measures. Obviously, if you don't agree with that, there is -- you always have the opportunity to get the hearing. Am I correct on that, Ms. Brumbaugh?

MR. BROADBEAR: If that's the case, may I proceed?

MR. WORLEY: Mr. Secretary, I thought it was our policy that if an attorney requests a continuance, we would automatically give them one continuance.

SECRETARY KEMP: Well, I think normally we do that prior to the meeting. I don't remember it being the day of the meeting.. But if that's the case, I'm willing to reconsider that. We've certainly done that, I know, Mr. Harvey, when we've had -- prior to the meeting if people have had conflicts or need more time and couldn't appear. I don't know about the day of.

MR. HARVEY: That's correct.

MR. WORLEY: Well, obviously it's up to the board to decide. It seems if Mr. Broadbear asked yesterday for a continuance we would have given it to him. It doesn't seem entirely unreasonable to give him --

SECRETARY KEMP: Well, I agree, but I also agree that if you do it the day of, you have other people that may be for or against in the matter that may be here as well or people that have traveled to hear the case from another county.

MR. WORLEY: And I appreciate that. But if there aren't any of those people here today other than Mr. Broadbear -- I don't know if Mr. Wilson is here or not.

MR. BROADBEAR: Mr. Wilson is here. Yes.

MR. WORLEY: But if there isn't anyone else wanting to talk about it, I would think it would be appropriate to grant a continuance.

SECRETARY KEMP: Mr. McIver, do you have anything?

MR. McIVER: David, in all deference, perhaps I favor that position, but I would like to hear Mr. Broadbear stand in his place, as we stated in law school, and make your proffer, sir. Tell us what it is you will be presenting if you are properly prepared to do so and from there we can make a determination.

MR. BROADBEAR: I will proceed to do that if you want me to do that; I'll be happy to.

SECRETARY KEMP: Let me just ask you this. Why would you need a continuance? I mean, what will be the difference if we were not sending it to the AG's office versus just hearing your arguments? We could hear your arguments and decide not to send it to the AG's office. That is simply the recommendation of our chief investigator. It's not the will of the board.

MR. BROADBEAR: My primary concern is that there were certain documents that were filed that I don't have copies of. We went to look for the copies that we might have had, we found we don't have them for some reason or another. They're not in our office; they are not where we thought they were. I would like to have time to go to the Secretary of State's office and find out where these documents -- such as we think that he filed a document protesting the concept of voting at that particular place at that particular time because he was a resident of another county. He filed those documents. Apparently, there is no record of that in the Secretary of State's office, or maybe there is. But it was not uncovered during the investigation and I would like to follow up on that. I would like to find out where, if any, of those documents are available. I thought that -- like I said, we started preparing yesterday and, again, that particular file just was not there.

SECRETARY KEMP: Mr. Harvey, when did we send notice of summons?

MR. HARVEY: About a month ago; usually 30 days before the meeting.

MR. SIMPSON: Would the fact that whether or not we grant a continuance have anything to do with your ability to provide that information to Ms. Brumbaugh during the course of her investigation; isn't that correct? You could still deal with her and provide any additional evidence you might have that you would like for her to consider while she is making a determination as to how to proceed with the case. We are just making a finding -- as I understand it we are just making a finding of probable cause, is that right, as to whether or not it should be bound over for further investigation and action?

MR. McIVER: Judge Simpson, as I hear him, he's wanting an opportunity to persuade us there isn't enough probable cause. He seems to be asking for that opportunity.

MR. BROADBEAR: That's correct.

MR. McIVER: Therefore, I would support Mr. Worley's position here of making sure you feel that you're properly prepared. Now, I'm a little disappointed in a month you can't determine you're missing documents, but the reality is we put great pressure here on moving our docket along. There have been issues in the past Secretary Kemp has set the world on fire by moving our docket much better and you can see he's disappointed even now. But I do tend to take Mr. Worley's position and --

SECRETARY KEMP: Well, if that's what y'all want to make a motion on, I'd rather deal with that motion now instead of letting him proceed to save some time.

MR. WORLEY: I would make a motion to continue this case to our next regularly scheduled meeting.

SECRETARY KEMP: We have a motion. Do we have a second?

MR. McIVER: Second.

SECRETARY KEMP: We have a motion and a second to continue this case to the next meeting. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Is there anyone else wishing to speak on this matter before we move on the motion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, we have a motion and a second. All in favor, signify by saying "Aye."

(Whereupon, the vote was taken)

SECRETARY KEMP: All opposed, same sign. "Aye."

The motion carries and we will continue the case.

All right. We will break for lunch and we will reconvene at 1:15.

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(Whereupon, a lunch break was taken)

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SECRETARY KEMP: Welcome back, everybody. I'll take a motion to go from our executive session and continue our regular State Election Board meeting.

MR. WEBB: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: I've got a motion and a second. All in favor signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign. The motion carries, and we are now back at our regular SEB meeting.

Mr. Brooks, welcome, and I think we're on case 2011, number 5, Jeff Davis County.

MR. BROOKS: Yes, sir. Mr. Secretary, members of the board, this case is Jeff Davis County. There is no election involved in this particular case. It was reported to us through the elections supervisor.

The elections supervisor for Jeff Davis County reported that Kenneth Nash Murphy had been employed as a part-time employee in the office, the election office there. His mother, Myra Murphy, was the Clerk of Superior Court, and she was -- there was a discussion about whether or not she was actually going to run for office in that particular election.

He understood that if she ran for election, he would not be able to continue working in that particular office because there may be a conflict there. His mother did decide to run for

the clerk's office, and he was ultimately terminated from his position there.

As part of his duties as a clerk in that office, he had access to the computer system there. He created documents, changed documents, worked on documents there. When word came down he was going to be terminated from employment, he went into the computer system and deleted a series of documents that had to do with the elections and they were documents that he had not created. They were documents that the election officials had created and put in the system. He simply went in there as a disgruntled employee and started deleting files.

Over 300 files had been deleted from the system, and there was some concern that he had a password for the general server. But after we conducted our investigation, we determined that he did not have those passwords and was not able to access the general server.

We recommended he be bound over to the Attorney General's Office for violating 21-2-597, in that he intentionally interfered with the performance of the election duties when he deleted those files.

SECRETARY KEMP: Any questions for Mr. Brooks?

(Whereupon, there was no response)

Hearing none, anyone else wishing to speak?

MR. MURPHY: I do.

SECRETARY KEMP: Yes, sir. Come on up. If you will, just use that mic right there and give us your name and address for the record, please.

MR. MURPHY: It's Kevin Nash Murphy, 25 Southland Road, Hazlehurst, Georgia, 31539. I think, first of all, I want to apologize to the board for what I've done, and that I accept responsibility for what I've done. But when I went into the system, I thought what I was deleting were just form letters that I had created myself to send out to voters, and every time I would send out something to voters, I would make a copy of the letter and staple it to the back of the voter card. That was the main procedure. And when I deleted that, I thought I was deleting the things that I had created.

It was my understanding that when they went into the program to bring everything back up that I had deleted, they brought everything back up that was ever deleted off the computer. There was no way for them to bring up just what I had deleted. That was my impression.

But I want to be very clear that I accept responsibility for what I've done, and that I'm sorry for wasting the board's time on something so stupid as this. I understand this was really stupid, and it was an act of supreme arrogance on my part and I never thought I'd be in a situation like this, but here I am. And also it was my understanding that everything that was deleted was recovered, so I guess that's one good thing.

That's all I have to say. Thank you very much.

SECRETARY KEMP : Well, I'll say this. I know this is a -- you know, when I first saw this case, it was very troubling, obviously. I'm sure that the board along with myself take these type of thing very serious, but I will say this, I think it shows a lot that you took time to come here today and let the board know that you are sorry and apologetic. And I'm sure the board will take that into consideration as they continue to deliberate. Did anyone else have any questions?

MR. MURPHY, SENIOR: I'm Nash's father; I'm Wayne Murphy.

SECRETARY KEMP: Give us your address, please.

MR. MURPHY, SENIOR: 25 Southland Road, Hazlehurst, Georgia, 31539.

SECRETARY KEMP: Give us that one more time. She's trying to get that there.

MR. MURPHY, SENIOR: 25 Southland Road, Hazlehurst, Georgia, 31539. I want to say, he's just -- he just got out of college, and they wanted him to help them, kind of go over there and streamline all this and kind of get everything on the computer is what it was.

So he worked on these -- on these form letters for about a month, trying to get these form letters. He was promised over and over that he was going to get a full-time, but they would come up -- and my wife was going to run for election, and they never would take that he was terminated or nothing like this, you know. He wouldn't be able to work there anymore, and so -- and so he got upset. So he went and deleted the form letters that he designed. That's what his intentions was.

So when Todd come to recover it, he says I can't not just pull up the form letters. I got to pull up everything that's ever been deleted. And he says -- and he fixed this thing up where he could bring it home to his house in Macon, Georgia. He designed it where he could pull it from Jeff Davis Courthouse to his house in Macon, Georgia. He pulled up everything, but we already knew that he could not just pull up the form letters. He had to pull up everything that had ever been deleted off of that hard drive.

And the main concern is my son has just graduated from Georgia Southern. He got a

four-year degree, and he really -- I mean, if there anything you can do to keep this from going on his record, I mean, his life -- I mean, his future is -- is at stake. That's the main concern.

SECRETARY KEMP: Any questions for Mr. Murphy?

MR. McIVER: I have one of young Mr. Murphy. How old are you, Mr. Murphy?

MR. MURPHY: I'm 23 now. I was -- I just -- I'm 24 now. I had just turned 23 when all this happened.

MR. McIVER: Twenty-three. What did you major in at Georgia Southern?

MR. MURPHY: I majored in history.

MR. McIVER: Have you had any other encounters with situations like this or with the law?

MR. MURPHY: No, sir. This is the first -- I never went to the principal's office in high school, so this is a new experience.

MR. McIVER: Well, not that you'd know it, but my law practice is limited to employment law. When you work for somebody and create something, that becomes the property of the employer, not you. Perhaps that's a lesson you've learned here today.

MR. MURPHY: Yes, sir. It is.

MR. McIVER: Just one second. No. Nothing else. Thank you.

SECRETARY KEMP: Anybody else?

MR. WORLEY: I had a question.

SECRETARY KEMP: Mr. Worley.

MR. WORLEY: How many documents did you delete from the files?

MR. MURPHY: I'm not sure how many because the way it worked, when I would type a letter, I would just sent out to a voter. I would never -- I would never save that one person. Sometimes I would save it; sometimes I wouldn't save it. It just depended on the -- on the kind of day, how I wanted to do it. There was never any set standard of how I was supposed to do that.

MR. WORLEY: So do you have any idea about how many?

MR. MURPHY: I really don't. I would probably estimate -- I'd call it maybe 20 or 30, but it could be more. I'm not -- I'm not certain.

MR. WORLEY: Okay. And were there anything other than letters to voters that you deleted?

MR. MURPHY: That's what I keep going over and over. If I had deleted something else without knowing it because the whole computer system, it was not -- it wasn't organized. It was the County computer. Everybody had -- you know, everybody had stuff on it, and it's just hard to try and remember. I'm not trying to avoid the question. It's just so hard to remember.

This has been -- this happened in December, and this has dragged on for almost a year and I don't -- it's just hard to try to -- to try to move on when this is hanging over your head, and I'm just I guess at my wits end. That's where I'm at.

MR. SIMPSON: You indicated there were over 300 files?

MR. BROOKS: Yes, sir. The investigation indicates that Christopher Beasley ran a delete recovery program on the computer. There were 332 documents recovered when he ran that program. I'm not going to say he deleted 332 document. But there were 332 documents that were recovered from that delete program. Some of the documents that were recovered were letters, felon letters notifying people that they were felons and wouldn't be able to vote; people who had deceased; appointment letters of poll workers; missing identification information letters; checklists for poll workers and poll managers; and then summaries for poll workers are some of the documents that are listed as being part of the recovery that they recovered from the deleted files.

MR. MURPHY, SENIOR: Let me state that everything that was recovered. They got everything back. It still is wrong what he did. I'm not going to deny that at all but, you know, the thing is what his intention was and what I'm saying that deleting the form letters he had -- he designed. And they told us that there's no way to just pull up those letters he designed. They had to pull up everything that was ever deleted off that hard drive.

MR. SIMPSON: You realized when you created a document in that office it was a public record, didn't you?

MR. MURPHY: No, sir. I did not know that.

MR. SIMPSON: You work in a public office, a board of elections office. Documents

on their computer, county computer system, you didn't realize that was a public record?

MR. MURPHY: Well, I understand that now, sir, but I also want to state that every time I sent out a letter, I would make a copy of the letter before I sent it out and staple it to the back of the voter card. The same thing with felons or deceased letters. That was the proper procedure that the supervisor set up. Anytime you send out a letter for any reason, you make a copy and staple it to the back of the voter card because the county is not that big. We still have the paper card system, so that we were able to do that.

SECRETARY KEMP: Any other questions for Mr. Murphy?

MR. WEBB: Mr. Murphy, are you employed now?

MR. MURPHY: No, sir. I'm not.

MR. WEBB: What are your career ambitions?

MR. MURPHY: Well, at the moment I suppose I am quasi-employed somehow. I'm working with my grandparents. They have a deer processing business that's seasonal, and that's what I'm doing right now. And what I hope to do, if I'm being perfectly honest, is that I enter Catholic the church (inaudible) and according to how this goes, I hope to enter the Franciscan Order. That's -- this has taught me a big lesson, and that's what I intend to do. Thank you.

SECRETARY KEMP: Any other questions? Mr. McIver, you have anything else?

MR. McIVER: Only of Mr. Brooks.

MR. BROOKS: Yes.

MR. McIVER: Do you have a recommendation for the board?

MR. BROOKS: Our recommendation is it be bound over to the AG's office.

MR. McIVER: Anything beyond that?

MR. BROOKS: No, sir.

MR. McIVER: That's all.

SECRETARY KEMP: All right. Anybody else wish to speak on regard to this case?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, now got any thoughts?

MR. McIVER: I move we bind it over.

MR. WEBB: Second.

SECRETARY KEMP: Got a motion and a second to bind over to the Attorney General's Office. Any other discussions?

MR. WORLEY: I would be in favor of binding this over so that the Attorney General's Office can compare it to other similar cases or other violations of this code section to come up with an appropriate recommended disposition.

SECRETARY KEMP: I think that's the appropriate thing to do. I will tell the Murphys today, you have done yourself some good standing up to this. It is, as I said earlier, a serious matter. You know, thankfully the documents were recovered and this wasn't something else that, you know, somehow hurt the integrity of the voter rolls or the elections, which is something that this board has fought mighty hard to make sure doesn't happen and a lot of our local folks working in our elections office, as well.

But I will tell you this, I think this board is sympathetic to people that will own up to mistakes and problems and show up and explain that to the board and I'm sure that Ms. Brumbaugh and the Attorney General's Office will be in touch with you, and she also hears and understands the board's thoughts. We've made comments, and I know she'll be glad to work with you all to reach a solution that we can all agree on. With that we'll go ahead and vote on the motion, if there's no other discussion. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: The motion carries, and we will bind it over to the Attorney General's Office. Thank y'all for being here today.

All right. Mr. Brooks, 2011, number 6.

MR. BROOKS: Yes, sir. This is involving Gwinnett County. The election involved in this particular case was the November 5, 2002 general election. The allegation in this

particular case is that Mr. Chivore told a coworker that he had voted in the 2010 general election, and the coworker believed him not to be a citizen of the United States.

Investigation confirmed that Mr. Chivore was born in Zimbabwe, Africa and he arrived in the United States in 1998. He started attending college at Georgia State University and participated in a voter registration right on campus at that particular time, using his driver's license as identification. A few weeks later he received a voter registration card, and he voted in the November 5, 2002 general election.

Mr. Chivore stated that as he progressed through college he realized that he should not have voted because he was not a citizen, and he didn't participate in any other process. He was deleted from the voter registration files in 2006. He did not vote in the general election in 2010, but he did vote in the 2002 election.

We recommend it be bound over to the Attorney General's Office for 21-2-561 and 571. When he registered vote knowing he didn't have the qualifications to and in voting he didn't have qualifications to vote.

SECRETARY KEMP: Any questions for Mr. Brooks?

(Whereupon, there was no response)

SECRETARY KEMP: Okay. Anyone else wish to speak? Yes, sir.

MR. CHIVORE: Yes, Mr. Chairman. I would like to say I'm very sorry for what --

SECRETARY KEMP: If you would, just state your name real clearly and your address for the recorder.

MR. CHIVORE: Oliver Chivore, 1454 Oglethorpe Drive, Suwannee, 30024.

SECRETARY KEMP: Thank you.

MR. CHIVORE: Mr. Chairman, I would like to say I'm very sorry. I take ownership for what I did. I came to the United States as a refugee. I was very uninformed and confused as to what the law of the land was. I participated in the voter's registration. I did indicate to them that I was not a United States citizen, but they took my ID anyway. And when I received the voter's registration card, I took it that it was verification by the authorities that I was indeed eligible to vote. I am still a refugee at this time.

I have since studied the laws of the land through Georgia State University, Emory and Mercer University and have since started a family. I am very sorry. It was just -- I have no explanation for it. There was no intent of maliciousness or anything. Thank you.

SECRETARY KEMP: Let me ask you who was doing the voter registration drive at the time you registered? Do you remember?

MR. CHIVORE: I think it was the student's union; Kappa. I think that's what it was. All they did was just take the ID and put down on a list.

SECRETARY KEMP: Any other questions?

MR. McIVER: What's the nature of your refugee status?

MR. CHIVORE: I came from Zimbabwe, and I was facing persecution over there and my family; political.

MR. McIVER: Was it asylum or was it education?

MR. CHIVORE: Asylum, yes.

MR. McIVER: Asylum.

MR. CHIVORE: Yes.

MR. McIVER: So you and your family were in fear of some retribution in Zimbabwe?

MR. CHIVORE: Yes, at the time. I've since had a family, and I'd like to say I'm very grateful for the United States for giving me this opportunity. I didn't have any malicious intentions at all.

MR. McIVER: You have a beautiful country. I'm maybe one of the few that have been there.

MR. CHIVORE: It is beautiful.

MR. McIVER: No other questions.

SECRETARY KEMP: Anyone else? Okay. Thank you. Anyone else wishing to speak in regards to this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I'll be glad to take a motion.

MR. McIVER: I'll move to bind it over.

SECRETARY KEMP: We have a motion to bind it over to the Attorney General's Office.

MR. WEBB: Second.

SECRETARY KEMP: And a second. Any other discussion? Mr. Worley:

MR. WORLEY: I'm going to vote to bind it over because it seems to be a -- I'm actually not sure whether it's a violation of the statute that's cited here because it seems to require intent, and I'm not sure, based on the evidence that we have that there is intent. But I would like the Attorney General's Office to look into that and give us some determination.

SECRETARY KEMP: You got that, Ms. Brumbaugh?

MS. BRUMBAUGH: I do.

SECRETARY KEMP: Okay. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of binding it over signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: The motion carries, and Ms. Brumbaugh will be in touch with you. Thank you for being here today.

All right, Mr. Brooks, 2011, number 9, Paulding County.

MR. BROOKS: Yes, sir. There is no election involved in this particular case. This is a mandatory report by law where the supervisor of elections and voter registration in Paulding County reported to us that she had 21 individuals on a list who had attempted to register to vote, and she was cross-referencing and that she found out they were convicted felons, currently under sentence.

During the investigation, two of the 21 individuals applied for a driver's license through Driver Services, and their registration was submitted through Driver Services. There was

no indication that they intentionally tried to register, or that they knew that they were being registered. In fact, when interviewed they said their intent was not to register. But of the other 19, we were able to obtain certified copies of the convictions and verified each person on that list was currently under sentence -- it was an active sentence when they were attempting to register to vote.

I believe you have a chart in your packets there of the 19 individuals we are recommending be bound over to the Attorney General's Office based on the charges in the chart.

SECRETARY KEMP: Any questions for Mr. Brooks?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak? Mr. Brooks, the column where it says marked yes and then next to that it says signed, and you got the yes or no in the boxes.

MR. BROOKS: Yes, sir.

SECRETARY KEMP: What exactly is that now?

MR. BROOKS: They actually marked the registration indicating that they want to be registered and signed the form saying that they understood all the questions for registration.

SECRETARY KEMP: So the people on the second page in the middle there you got an N by, they did not?

MR. BROOKS: They didn't.

SECRETARY KEMP: They marked no, but then they signed.

MR. BROOKS: They marked yes but did not sign. Marked yes that they -- they wanted to register to vote, but they didn't sign saying they were eligible to vote.

SECRETARY KEMP: Well, this -- it looks like these are saying that they didn't; that three of them did not mark, did not mark the yes, I guess, but they did sign. Maybe I'm not following you. What's the difference between the Y and N on the marked yes column?

MR. BROOKS: The first column where it has marked on the form, the registration form where they're asked do they want to register to vote, they marked yes.

SECRETARY KEMP: Okay. So John Elrod, Samantha Serrano, and Justin Stone said that they did not want to register to vote?

MR. BROOKS: Right.

SECRETARY KEMP: Okay. And then what did they do next?

MR. BROOKS: They signed the form and -- because of the way the form is with Driver Services, in our opinion it may have been a suggestion that they were signing for the driver's license as opposed to registering to vote.

SECRETARY KEMP: But your recommendation is that we send those three people over even though they said that they wouldn't want to register to vote?

MR. BROOKS: I think those are the ones that we're saying not to bind. There was 21 total; 19 of them were the ones we were going to send over. I don't believe those were the ones that we're going to send over.

SECRETARY KEMP: Well, it would be 14 people above those three, and then you got the last two where there's nothing in the boxes. I'm just trying to make sure we know.

MR. BROOKS: The last two we weren't able to find the original applications from DES.

SECRETARY KEMP: Okay.

MR. BROOKS: But there was a registration, I believe, with Paulding County where they indicated they were attempting to register to vote.

SECRETARY KEMP: And then the two above those, they actually said they wanted to register to vote, but then they never signed the form, correct?

MR. BROOKS: Correct.

SECRETARY KEMP: Okay. Any other questions? Anyone else wish to speak in regards to this?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion?

MR. WEBB: I would like to make a motion that we bind all 19 over to the Attorney

General's Office and let Ms. Brumbaugh which ones are a true violation; which ones should be dismissed.

MR. SIMPSON: Second.

SECRETARY KEMP: I've got a motion and a second. I fully agree. I think Ms. Brumbaugh, you can kind of get to the bottom of who was doing what with intent or not and let the board know. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: The motion carries and we will bind those folks over.

All right. 2011, number 11, Hall County.

MR. BROOKS: Yes, sir. This involves Hall County. The allegation in this particular case is that the registrar for Hall County --

SECRETARY KEMP: Let me -- let me stop you here just a minute. Have we got everybody from Hall County that needs to be here? Okay. Go right ahead.

MR. BROOKS: Again, the allegation was that the registrar for Hall County had not been properly appointed to her position and was serving in an interim capacity. The investigation determined that Ms. Sosebee had been appointed as a chief registrar in June of 2006 and she would serve out the term of office until 2009. At that particular point in time the Hall County grand jury would be required to make -- at least provide names to the Superior Court judge there for the appointment to the registrar.

In looking back at Hall County grand jury finding, there was no recommendations from the grand jury to the presiding judge to make that appointment. It was also determined during this time that Ms. Sosebee was serving in an interim capacity. They weren't conducting their monthly meetings as required by law. There were some personnel issues: the deputy registrar had resigned and another member of the board had indicated they were going to resign. So they really didn't have a quorum to meet and they weren't conducting those monthly meetings.

It's our recommendation that we bind over the Honorable Judge Andrew Fuller and Charlotte Sosebee on 21-2-12(A) and 212(B) as it relates to the appointment of county registrars. We do have an order from Hall County that we received yesterday and ask that it be entered into the record.

SECRETARY KEMP: Any questions for Mr. Brooks?

MR. WORLEY: And what is the order about?

MR. BROOKS: The order is the appointment of Charlotte Sosebee to the position of registrar.

MR. WORLEY: And when was that done?

MR. BROOKS: November 11th of this year.

MR. SIMPSON: Why would you want to bind over a Superior Court judge?

MR. BROOKS: Responsibility is to -- it's his responsibility to appoint the registrar.

MR. SIMPSON: I know there were circumstances, and I think he explained why he did it.

SECRETARY KEMP: Well, I think we may can hear from these folks here if we want. Any other questions for Mr. Brooks?

(Whereupon, there was no response)

SECRETARY KEMP: All right. You all want to address the board?

JUDGE FULLER: Good afternoon to the board members. My name is Andy Fuller. My address is 3962 Wind Drift Circle, Gainesville, Georgia, 30506. I have the pleasure of serving as the Chief Superior Court Judge for the Judicial Circuit that is known as the Northeastern Judicial Circuit which includes Hall County, and I'd like to take just a moment to tell you what developed in this situation and the way the Court was operating.

In 2006, we unexpectedly had our 27-year veteran chief registrar resign as a result of a county buyout program, a retirement program. When that occurred, then the Court immediately began to look at a replacement of chief registrar and find someone to best serve a population of 180,000 people. In taking that action in December of 2006, the Court entered an order that designated Charlotte Sosebee as the interim chief registrar. The order clothed Ms. Sosebee with the full authority of the law that the chief registrar

had and stated that that position would be until the termination of the regular term of our retired registrar or until (unintelligible) and affirmative order of the Court.

From a practical basis, I'd like to take just a couple minutes to tell you how that happens and what happens. Our veteran registrar, who was excellent as a chief registrar, ran the office in a very physically conservative and operationally conservative fashion. Had only two employees in the office, and, unfortunately, none were prepared to assume the role as the chief registrar in a county of our size. As a result thereof, after the appointment of Charlotte, or after choosing Charlotte as the likely candidate, we chose to do the following.

As a result of Hall County having personnel guidelines, we followed those personnel guidelines. We advertised the position, and we sought applicants. We had several applicants but only two qualified under the job description that we put forward. Of the two qualified, Charlotte was one of those. We interviewed both of those candidates, and Charlotte was by far the most qualified candidate. However, the Court was faced with a situation with Charlotte as our designated chief registrar. Charlotte had never run or managed an election locally, statewide, or nationally, except as an employee of the chief registrar. She had never managed an office and all the aspects of managing an office that goes with that: personnel requirements, supervisory authority, budget management. And Charlotte had never had any experience in dealing with the government and all that goes with that in the operation of an office. You have both the board of elections and a board of registrars.

As the result of that, I then began to look at the responsibility that I had with the grand jury, feeling that judicially the authority was there for Ms. Sosebee to continue to serve in an interim capacity as our chief registrar, and in going to a grand jury, when you look at this practically, the statute for a county of my size, when I go to the grand jury to make a presentation, it is a practical presentation. The statute requires that you provide a list of names to serve as registrar in which the Court will pick one as the chief registrar, and when you do have a county of 180,000 people, you've got to expect to receive responsible grand jurors that I've historically received, whether before the grand jury as a District Attorney or as the judge, and the response is how do we do that.

In fact, in November when we used the November term to do this, the grand jurors questioned do we just pull the people out of thin air. So it's a dilemma from the Court's perspective because then I have to represent -- and the grand jury wants me to represent who the Court would recommend be on that list. In doing so the Court wants to have absolute confidence that I'm providing to the grand jury a list of names that will include someone who can serve in a quality fashion as our chief registrar. Otherwise, I would be doing the citizens a disservice.

And thus, that's the reason that I have allowed the situation to develop as I have. So that

we have and interim chief registrar in Charlotte Sosebee, who has been on the job every day and done the job every day. Charlotte has reached the point that she is appointed as the chief registrar, but I discussed with Charlotte on several occasions and here in front of you -- it's not a criticism of Charlotte. Charlotte was a work in progress and there were many issues that developed in the course of the years, the Court wanted to attend to it before I was confident to make a recommendation to the grand jury, all the while thinking that judicially I had the inherent authority to have an Interim chief registrar and not be an abrogation of the statute that has been assigned as 21-2-212.

With that, that's the practical aspect of where we find ourselves as far as the appointment of Charlotte. Now, obviously, I had the opportunity to receive notice of today's hearing, and in an effort to make sure, given that the investigator indicated that there was non-compliance with the statute, the Court utilized the November term of the grand jury to take the matter before the grand jury, and with confidence stated to the grand jury, as they asked for a recommendation, I asked that Charlotte's name be on that list. Charlotte's name was on that list, and Charlotte has been appointed as our chief registrar. I just wanted to give you a little background on that.

Also, in a county of our size, in an effort to deal in a fashion that is consensus, we also have a board of elections. That board of elections is dictated by local law that was passed by the General Assembly that sets forward how the board of elections will be selected, and the board of elections statute does allow for interim appointment of the director of elections. And Charlotte is also our director of elections as well as the executive secretary on the board of elections. And, thus, the Court has tried to work in unison with the County Commission to reach a point where one person would serve in that capacity.

And not to take anymore of your time, I will address the other issue very quickly. We've had registrars. The registrars, much to my chagrin, were evidently not attending meetings. And, thus, I will let Charlotte address that if you ask for her to do so. She was conducting the meetings, and she was conducting her meetings along with the deputy registrars, but our registrars were not attending.

Our registrars have voiced on occasion, well, I don't want to continue to serve; I want to continue to serve. But ultimately, when you reach the point last week when I was going before the grand jury, I had to ask the registrars to come in and either sign a statement they're going to continue and work, or they're going to resign. I provided them that opportunity. The statute requires them to resign before they can be replaced, and Charlotte, I think, did the best thing she could in continuing to operate with the registrars in the situation that she found herself. And I'll let her speak more directly to that. And I'll be glad to field any questions.

I would ask that the board not forward this to the Attorney General. There has been one goal of mine of the Superior Court of Hall County during this process, and that is to

provide the citizens of Hall County the best possible chief registrar and I don't need to tell it to you, a county the size of Hall County, though it's not the largest, it takes somebody that knows the business of voters' rights, voters' elections, and I've heard all day today. And I did not want to put myself in a position of making a recommendation to the grand jury and then turning around have having to file notice for a hearing within which I felt I made a wrong decision. Now many may argue that over the course of the years that past it was too long, but I go back to my interpretation of the statute and the authority of the Court to appoint Charlotte as interim.

SECRETARY KEMP: Thank you, Judge. Any questions?

MR. WORLEY: I had a couple questions, Your Honor. The original order appointing Ms. Sosebee as the interim registrar indicated that she should hold office until such later time as the Court appointed a --

JUDGE FULLER: That was -- that was my recollection.

MR. WORLEY: -- an official registrar. Okay.

JUDGE FULLER: I'll stand corrected if I'm wrong, but that's my recollection. I have a copy of that and can better answer that for you. I just don't have it in front me.

MR. WORLEY: And then at several times in your commentary you said that "we" decided or "we" did this. Were you consulting with the other Superior Court judges, or was that the board of registrars that you were referring to?

JUDGE FULLER: I was consulting with the other Superior Court judges, but this is clearly statutorily my responsibility.

SECRETARY KEMP: I got one question for you. This is hypothetical, but if Ms. Sosebee decided to leave and you had to find a new person, would the process be the same?

JUDGE FULLER: Well, I've lived and learned from this, Mr. Secretary. My decisions are analyzed frequently by appellate courts, and I'm never one to deny that I'm wrong in an analysis of a statute or a legal situation. And I discovered from reading the complaint, or at least the report that I received from your investigators, the Court certainly would react differently.

SECRETARY KEMP: Well, thank you. And I'm sure we may hear from the complainant, which is how we ever got to looking into this in the first place, but I think that was some of the concern about length of time. You can honestly appreciate, you know, our -- from our office's perspective of having, you know, a cohesive operation

going on, on the county level, but as much as there is going on in elections right now. I can't speak for the citizen that filed the initial complaint, and they may speak to that, but I was just curious if that were to happen again, you know.

JUDGE FULLER: The answer is no, Your Honor -- Mr. Secretary, for the reason I mentioned, and because we're implementing a training ground for hopefully in the future. And if I may mention -- I'm sorry. From the Court's perspective, this is somewhat of a lifetime appointment. That's the way it's intended to be, and Charlotte is rather young but has had the job what --

SECRETARY KEMP: Congratulations on your lifetime appointment.

MR. SIMPSON: Judge, during the period of time she served as an interim, had there been any complaints about irregularities or improper management of elections during her tenure to your knowledge?

JUDGE FULLER: No.

SECRETARY KEMP: Well, let me -- let's finish with the Judge, and then we'll see if Ms. Sosebee wants to speak to us. Anything else for the Judge? Thank you, Judge. I appreciate you being here this afternoon.

JUDGE FULLER: You're welcome.

SECRETARY KEMP: Ms. Sosebee, do you want to address this?

MS. SOSEBEE: Just to say -- my name is Charlotte Sosebee, and I live at 2074 El Dorado Drive, Gainesville, Georgia, 30507, and I have a mailing address of P.O. Box 601, Gainesville, Georgia, 30503.

I am honored to stand before you today, and as director of elections and chief registrar of Hall County elections and voter registration. And I just wanted to add that we did conduct the meetings. Though we did not conduct the meetings with the registrars, I did have some chief registrars in my office who served during those monthly meetings. We went through approvals and disapprovals of the voter registration applications, and, fortunately, we did not have the necessity for a hearing. So I just wanted to make that known. Of course, now we have a board. So we're going to do things better.

SECRETARY KEMP: Any questions for Ms. Sosebee? Mr. Simpson?

MR. SIMPSON: During your time as interim, did you have any complaints about the process of elections, or irregularities with the process, or anything like that?

MS. SOSEBEE: No, sir. I didn't.

SECRETARY KEMP: Any other questions? Mr. Webb.

MR. WEBB: Quick question. Are you in support of the other members of the board?

MS. SOSEBEE: Yes. I am. Of both boards, as a matter of fact.

MR. WEBB: Is everyone participating now?

MS. SOSEBEE: Yes.

SECRETARY KEMP: Any other questions for Ms. Sosebee? Okay. All right.

JUDGE FULLER: For the record, what I'll do in answer to your question, I intend to seek a meeting with the County Commission to try to seek local legislation to combine the boards, so that there will not be two entities in resistance.

SECRETARY KEMP: You let us know if we need to work with the fine delegation from Hall County. We'll be glad to do that.

MR. McIVER: The Legislature has been very receptive to those requests.

SECRETARY KEMP: Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Okay. Hearing none, any suggestions from the board; motions?

MR. WORLEY: I make a motion to close this case.

MR. SIMPSON: Second.

SECRETARY KEMP: Well, we got a motion and a second to close. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign. That motion carries and it is dismissed.

We appreciate you all being here today.

All right. Mr. Brooks, 2011-12, Clayton County.

MR. BROOKS: Yes, sir. There was no election involved in this particular case either. It was a voter registration issue. The allegation in this particular case was that a deceased person had registered to vote using the online service with the Department of Driver Services.

On February 1, 2011, Clayton County officials received a voter registration card for a Geri Gail Higgins. They were checking registration cards, and it was determined that Ms. Higgins had renewed her driver's license on January 26, 2011 and when they checked the records, they determined that she had been deleted from the system on April 7, 2009 because she had deceased. That information was reported to us. Clayton County confirmed through the probate judge's office that she had passed away March 10, 2009.

During our investigation we were able to obtain the person that sent the email address information. We were able to go talk to them, and the person said that they went online and filled it out. It was her sister and she was looking for a memento or a souvenir for her sister in passing. The investigator asked her for her driver's license. She opened her billfold, and the dead sister's driver's license was the first one there,

So we recommend that she be bound over for 21-560-61 and 61. The Department of Driver Services and Clayton County District Attorney's Office had initially indicated it did not want to pursue prosecution on this particular case, but a formal recommendation or a letter from the board encouraged them to pursue the particular matter.

SECRETARY KEMP: Any questions for Mr. Brooks?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none -- yes, ma'am.

MS. DAWSON: My name is Donna Dawson and I live at 965 (inaudible) Brown Road, Jonesboro, Georgia, 30238. My sister Geri Higgins did pass away on March 9th -- I'm sorry -- March 10, 2009, and I was the executor for her estate to close out everything. So I have all of her credentials in my possession.

Months later, my sister's only son announced that he was -- his fiancée was giving birth to my sister's first grandchild, and my mother keeps memory books for all four kids as well as her six grandkids. So my mother offered up the memory book to give to my nephew and her new great-grandchild. So I had taken all of my sister's credentials to put into the memory book along with photos and captions, and she -- my sister and I lived

together for seven years. And we had taken our driver's license pictures at the same time, so we would often tease about our hairdos on the driver's license picture.

Well, I went to get the credentials, the driver's license was lost, so the statement that I renewed the license is in error. I went online to order a \$5 set of lost replacement license, and in the process, which was the day before my great-niece was born -- we were en route to Birmingham -- to complete the order I did not consciously select for her to vote to cause any malicious intent or hardship on myself.

So I am truly sorry for this \$5 replacement license that I requested for, and at this point the only thing I can say is I'm sorry. But I had not intent of voting on behalf of my sister or using her license for credentials. And for the record, her license was not on top of mine. There's only one slot available in my wallet for licenses, and that's where my mine was. Her license was in a credit card slot in my wallet because it had just come and I had put it in here to take over to Birmingham, which is where my nephew, his fiancée, and the baby lived to put in the memory book.

SECRETARY KEMP: Any questions for Ms. Dawson?

MR. McIVER: Was the license that you've referred to in the name of your sister, was it a current license or expired?

MS. DAWSON: Yes. It was -- they were to expire 2012. Both she and my license are to expire in 2012.

MR. McIVER: So it's been current since her death?

MS. DAWSON: They were -- no. They were -- they were -- the date that had been assigned was the expiration date when we got them renewed again four years ago. We've -- I've only been here eight and a half years.

MR. McIVER: Well, has your sister, your deceased sister's license been renewed since her death?

MS. DAWSON: No. They have not been renewed. I had only requested a lost replacement set. It was not a renewal to extend her expiration date.

MR. McIVER: No other questions.

SECRETARY KEMP: Mr. Simpson?

MR. SIMPSON: Did you vote using that license with that registration?

MS. DAWSON: No.

MR. SIMPSON: That voter registration?

MS. DAWSON: No. The last time she and I both voted together was in 2008.

SECRETARY KEMP: Any other questions for Ms. Dawson?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak in regards to this case?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I'll accept a motion.

MR. SIMPSON: I move to close this case.

SECRETARY KEMP: I've got a motion to close.

MR. WEBB: I'm going to second.

SECRETARY KEMP: I've got a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Well, I've got a motion to close and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none --

MR. WORLEY: I'm sorry, Mr. Secretary. I'm pretty slow.

SECRETARY KEMP: Glad to discuss it.

MR. WORLEY: Well, I mean, I just think on the face of it, there's no violation of 21-2-561 since she didn't register to vote, and it doesn't appear to me that ordering a copy of a driver's license, even if it's done on behalf of a deceased person, falls under the under statutory provisions that have been cited.

SECRETARY KEMP: So you did that online?

MS. DAWSON: Yes, sir.

SECRETARY KEMP: So you had all the information you needed I guess to be able to do that online. Obviously, you got the license.

MS. DAWSON: Yes. I was the executor of her estate, so I had everything: all her credentials of all sorts and membership cards. I closed everything out.

SECRETARY KEMP: Anything else, Mr. Worley?

MR. WORLEY: No. Thank you.

MR. WEBB: I agree with Mr. Worley. I'm not sure that there's a violation of code sections here. I think it was an innocent request. It just turned out to trigger some other matters that was kind of unintended. I don't think it was an intent to do so. However, sometimes our emotions get the best of us and best intentions turn out to be bad decisions down the road in hindsight. So I'm going to vote to close this matter.

SECRETARY KEMP: Anyone else?
(Whereupon, there was no response)

SECRETARY KEMP: We've got another motion and a second to close.
All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

MR. McIVER: Aye.

SECRETARY KEMP: The motion carries. We have closed the case.

All right, 2011, number 17, Hancock County.

MR. BROOKS: This involves Hancock County's November 20, 2010 general election runoff. This particular allegation was Morris Berry voted twice during the same election, once during the absentee early advanced voting period and once in person on election day. There was also a second violation that she violated her oath of office by assisting voters during the election while being appointed to the commission of the voter review panel representative.

The investigation determined that Morris Berry by absentee ballot on November 19, 2010

and then appeared on election day, or voted in person November 30. The first vote, November 19, was not recorded by the election official, which allowed Ms. Berry to register and vote a second time on November 30. The (inaudible) not registered. They couldn't explain how the first vote didn't get recorded in the system, which would have prevented Morris Berry from voting the second time.

This next paragraph where it says -- talking about Sheila Bryant, she was appointed to the voter panel of representative position and delivered absentee ballot applications to individuals. It should say that there was no evidence of fraud, deceit or abuse in violation of law associated with her actions as opposed to saying there was.

We're recommending that it be bound over, Morris Barry, for 21-572 and 562. And then Hancock County board of registrars, 589-2 for not counting that first absentee vote.

SECRETARY KEMP: Mr. Brooks and Mr. Harvey, I got a note here that we wanted to take this case up after 2:00, and I assume everybody is here that we need.

MR. BROOKS: Yes, sir.

SECRETARY KEMP: Okay. All right. Any other questions for Mr. Brooks?

MR. WEBB: Mr. Brooks, was the absentee ballot done in person, or was it mailed in as part of early voting where the voter should have been polled if they had voted?

MR. BROOKS: It was done in person on the (unintelligible) machine at the registrar's office.

MR. WEBB: Thank you.

SECRETARY KEMP: Let the record show that Mr. McIver is setting out on leave for just a few minutes. Any other questions for Mr. Brooks?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak? If you would, give us your name and address for the record.

MS. KALE: My name is Theresa Kale, 7334 Highway 15, Sparta, Georgia. I was a candidate in this election. After the election, I got copies of all the absentee applications, copy list of the voters. I'm the one that found that Mr. Barry had voted twice. Also in looking at the applications, both absentee applications, there was a lot of them that was incomplete, dates not filled in, signatures not witnessed.

Since then we've had Senate Bill 173 passed in Hancock County. We now have a board of elections and registrars. In our election last week we had over 100 applications. Absentee applications were not completed, not witnessed, not dated. It's just an ongoing problem in Hancock County. I would like to ask that Hancock County be retrained in how to run an election, and maybe we can get some help down there so we can move forward. Thank you.

SECRETARY KEMP: Thank you, Ms. Kale, for being here today. Any questions for her?

MR. WEBB: Ms. Kale, how did you find that Mr. Morris -- Ms. Berry had voted twice?

MS. KALE: I took a copy of all the registered -- I mean, a copy of all the listed voters, and then I took a copy of everybody that had voted on absentee. It took a lot of hours of sitting there to compare. I mean, it was just a lot of days and nights just doing it.

MR. WEBB: It's just in my experience that when you have the voter roll, you actually go into the poll and you vote, they underline you've been checked, and if you've voted absentee before, there would have been a mark on there. They must have not --

MS. KALE: I mean, I just took the list of the voters that had voted in the poll, and I went down that list and then I went down the list of the absentee applications, and I just sat and compared. I mean, it was numerous hours that I worked on trying to find the different things that we can help our community and our county to get better at doing and have more fair elections.

SECRETARY KEMP: Any other questions for Ms. Kale?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you. Anyone else wishing to speak? Yes, ma'am.

MS. HILL: My name is Aretha Hill. My address is 377 Hancock Street, Sparta, Georgia, 31087. At that time I was chief deputy registrar. Ms. Morris did come to my office, and she voted early vote. Ms. Morris voted on 11/19/2010. She was number 16 on our subsystem. Now, she (unintelligible) on the subsystem as well as the (unintelligible). We also do an update on the express poll. Now, by Ms. Morris being one of the early voters to vote, Secretary of State also do a update. And the final update, they normally let us know (unintelligible) so by she being one of the first to come in the office to vote, she should have been updated on the express poll. Once we get the update, we also go back and check. We do like a manual check of every absentee person coming for early voting plus the absentees. So, I mean, if it's error on the registrar's part, I do apologize for it, but the way we check, it's just so hard to believe that we made that error.

SECRETARY KEMP: Any questions for Ms. Hill?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak? Yes.

MS. WADDELL: Good evening. My name is Jeannette Waddell. I was chief registrar at the time during this particular election and we acknowledge that there was -- that we did not completely do all of our due diligence in preventing Ms. Morris from voting a second time. We accept full responsibility for that. The office staff will work diligently to check their work and recheck their work to be sure that, that does not happen again.

SECRETARY KEMP: Any questions for Ms. Waddell?

(Whereupon, there was no response)

SECRETARY KEMP: All right. Anybody else?

MS. SHEAFFER: Yes, sir.

SECRETARY KEMP: Yes, ma'am.

MS. SHAFFER: Good afternoon. My name is Lee Shaffer, and my address is 3635 Peachtree Industrial Boulevard, Duluth, Georgia, and I just need to make one -- ask one quick question. Ms. Sheila Bryant was named in this action, and it's my understanding that are no proposed violations now alleged against her. Is that correct?

SECRETARY KEMP: Mr. Brooks?

MR. BROOKS: That's correct.

MS. SHAFFER: Okay. So it was just a typo?

MR. BROOKS: Yes, ma'am.

MS. SHAFFER: Okay. I just wanted to make sure. Thank you very much.

SECRETARY KEMP: So in our respondents for this case, Mr. Brooks, we've got Ms. Barry, Ms. Waddell, and the Hancock board of registrars. And then Sheila Bryant, is your recommendation to close the case?

MR. BROOKS: Yes, sir. The only respondents we have violations on were Morris

Barry for voting twice and the Hancock County board of registrars are the only respondents that we have.

SECRETARY KEMP: So we don't have a violation for Ms. Waddell, chief registrar?

MR. BROOKS: Only in the capacity of Hancock County board of registrar's office.

SECRETARY KEMP: Okay. All right. Anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: All right. Hearing none, can we have a motion? I move we bind over Morris Barry and the Hancock County board of registrars to the AG's Office?

MR. SIMPSON: Second.

SECRETARY KEMP: Have a motion and a second. Any other discussion?

MR. WORLEY: Does that include Ms. Waddell, who is also --

SECRETARY KEMP: It does not. Just Ms. Barry and the Hancock board of registrars. We got a motion and a second. Again, I'm going to let the record reflect Mr. McIver is not here for the vote. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and they are bound over.

All right. Next case is 2011, number 19, Cherokee County.

MR. BROOKS: Yes, sir. There was no election involved in this particular case, either. Heidi Brown, who lives at 1104 Lady Slipper Way in Canton, received a precinct card in the mail that did not belong to her or to anyone who lived at that address. She contacted the Cherokee County election officials, who ultimately challenged the elector to remove that person from the list of eligible voters.

Our investigation determined that Sarah Beth Barkley applied for a driver's license and placed the 1104 Lady Slipper Way address on the application. She also indicated that she wanted to register to vote. She stated that she did want to register to vote. She completed

the application. She did not reside at that particular address at that time. She resided at 116 Ridgeview Drive in Ball Ground. Ms. Brown had resided at her address on Slipper Way for the past six years.

Ms. Brown had resided at her address on Slipper Lane for the past six years. Ms. Barkley has submitted a letter to us that we would submit to the board indicating that, that her mother used live at Lady Slipper Lane and she just put that address on there when applying for her driver's license.

SECRETARY KEMP: Any questions for Mr. Brooks?

(Whereupon, there was no response)

SECRETARY KEMP: No questions. Anyone else wishing to speak in regards to this case?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I'm ready for a motion.

MR. WORLEY: I move to bind over the case.

SECRETARY KEMP: I've got a motion to bind over, do we have a second? I'll second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of binding over to the AG's office, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: We have moved to bind the case over to the Attorney General's Office.

All right. Mr. Brooks, 2011, number 38, the City of Waverly Hall.

MR. BROOKS: Yes, sir. This involves a special mayoral election on March 16, 2010. There were two allegations in this particular case. One of them was the City of Waverly Hall had not adequately staffed the early voting period with three workers. And the second allegation was that Donna Williams, who was the city clerk and the elections superintendent, was instructing voters on who to vote for and who not vote for in the voting area.

In conducting the investigation, we determined that the City of Waverly Hall had two workers assigned to early voting period and Donna Williams' office is across the hall from the voting area. She was counting herself as the third worker; if there was an issue or they got busy then she would come over and help. But they did not have anyone there, or didn't have three people there at all times.

We also determined that we received statements from the chief of police and one of the chief majors there that gave a statement saying they heard Donna Williams instructing voters on who to vote for and who not to for. Both of them indicated that this took place on election day and that Donna Williams had instructed those voters to vote for the person who was opposing the complainant in this particular election.

We recommend that this case be bound over to the Attorney General's Office.

SECRETARY KEMP: Any questions for Mr. Brooks?

MR. BROOKS: Excuse me. Mr. Chairman, we do have a response from Donna Williams here if the board's interested in seeing that response.

SECRETARY KEMP: Anyone wishing to speak in regards to this case?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I'll take a motion.

MR. SIMPSON: I move that we bind over.

SECRETARY KEMP: I got a motion, do we have a second?

MR. WORLEY: I'll second.

SECRETARY KEMP: I got a motion and a second, any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of binding over to the Attorney General's Office, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

All right. Mr. Brooks, 2011, number 40, the City of Marshallville.

MR. BROOKS: And before we get into the facts of the case, there's -- we need to make amendment to this particular one. After the investigation was completed we received a phone call from Joanne White who indicated that she did have copies of the ad that she provided to Patsy Cannon for the advertisement of the election. We looked at those and determined that she did have the -- that she did send the ads to Ms. Cannon and that she should not be listed as a respondent in this particular case.

SECRETARY KEMP: All right. So we need to -- we need to take who off as a respondent?

MR. BROOKS: Joanne White.

SECRETARY KEMP: We still got the city cited, correct?

MR. BROOKS: Yes, sir.

SECRETARY KEMP: All right.

MR. BROOKS: In this particular -- it was the election on November 20, 2011, general election. The allegation indicated was that the City of Marshallville had changed the qualifying date in this election and failed to advertise the qualifying dates during the period that was specified by law.

During the investigation we determined that the City of Marshallville had contracted with Macon County board of elections to conduct that municipal election. The City of Marshallville originally indicated that the qualifying date would be August 29 until September the 2, 2011. It later changed to August 30, 31 to September the 1st. In order to be in the conformance with the other municipalities of the county they changed those dates to that.

Ms. White stated she had sent the advertisements to Patsy Cannon in an email. And originally there was some confusion about whether or not they could produce those emails or whether those emails were there. We later were able to get those. Ms. Cannon says that she mailed the advertisements to the Citizen Georgia newspaper which was a legal organ of the county, but the advertisement for the City of Marshallville did not appear but the advertisements of the other cities did.

Ms. Cannon didn't have a copy of that email and the advertisement that she sent to them, but Joanne White was able to produce that, that ad and it appears she did send the advertisements to the legal organ at that time.

SECRETARY KEMP: So there's -- correct me if I'm wrong but there's three elections going on and only two of them got published --

MR. BROOKS: Yes.

SECRETARY KEMP: -- on time, correct?

MR. BROOKS: Yes.

SECRETARY KEMP: Anyone else wishing to speak? Any other questions for Mr. Brooks?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Brooks, since nobody stands up to speak in regards to the City and Ms. Cannon, what's your idea of a recommendation? Is this a minor violation for letter of instruction?

MR. BROOKS: Mr. Chairman, the City of Marshallville and Joanne White, I don't believe there is a violation there. I think they have fulfilled their requirements. With Patsy Cannon, I simply think it was an error made and it just didn't get sent over from the county.

SECRETARY KEMP: They evidently sent two of them, just not all three?

MR. BROOKS: Well, the City of Marshallville and Joanne White are the ones responsible for the City of Marshallville. The other cities were set up to Patsy Cannon, too, because they were contracted to run the elections for all the municipalities in the county. So the City of Marshallville is the only one that didn't get advertised; the other ones did.

But as far as the City of Marshallville and Joanne White, I think they fulfilled their requirements by sending it to Patsy Cannon. Patsy Cannon just erred in not getting -- making sure that advertisement to the legal organ.

SECRETARY KEMP: I want to make sure we do this in the proper way. Is it the board's take that we need to have a motion to dismiss against the City of Marshallville and Joanne White or do we not? Are we -- are you saying that they are not respondents so we don't need to address them?

MR. BROOKS: It would be fair if we could take a motion to dismiss it from this particular one.

SECRETARY KEMP: All right. Anyone else wishing to speak in regard to this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anybody like to make a motion dealing with the City of Marshallville and Joanne White?

MR. SIMPSON: I move that the case be dismissed against them.

SECRETARY KEMP: All right, we've got a motion to dismiss and a --

MR. WEBB: Second.

SECRETARY KEMP: -- Mr. Webb. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and we have dismissed the City of Marshallville and Joanne White.

Now, we're on to Patsy Cannon. So, Mr. Brooks, basically, Patsy got the information and sent two of the ads over but failed to send the third?

MR. BROOKS: Yes, sir.

SECRETARY KEMP: So basically, just a human error?

MR. BROOKS: Yes, sir. And we would probably -- a letter of instruction would be sufficient to correct this.

SECRETARY KEMP: Does anybody on the board have any other thoughts on how we should proceed on this? I mean, I personally, could live with a letter of instruction.

MR. WEBB: Then I'll make a motion that we issue Patsy Cannon, an election supervisor, a letter of instruction.

SECRETARY KEMP: And I'll second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of issuing a letter of instruction to Patsy Cannon, Macon County elections supervisor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and we will send a letter of instruction.

MR. BROOKS: Mr. Chairman, that concludes our portion of the hearing today.

SECRETARY KEMP: Mr. Brooks, it seems that you're a little more efficient than Mr. Harvey. Don't know what to make of that.

MR. BROOKS: I certainly appreciate that.

SECRETARY KEMP: I know that Mr. Harvey's been under the weather this week. I'm sure that may have had something to do with it.

We'll move on to the Attorney General's report. Tommy, will you, or somebody, run out there and see if Mr. McIver -- let them know that we're moving on to the Attorney General reports. And we have been voting on these in block. Mr. Waters, let Mr. McIver know if he wants to pull anything off, we need to know what it is.

Just to let everyone -- remind everyone -- the way we've been doing the Attorney General reports, too, we've been voting on all the orders that Ms. Brumbaugh has for us that no one objects to in block. So if there is a member of the audience that would like to pull off one of these cases to have Ms. Brumbaugh give us an update on that before we act, you're personally welcome to do that. Is there anyone in the audience that would like to do that at this time? Commissioner Stone?

COMMISSIONER STONE: I would like to make a comment when the case for Chatham County comes up.

SECRETARY KEMP: All right. To do that, we'll have to pull that case off. So we're going to pull off -- have we just got one Chatham County case?

MS. BRUMBAUGH: Yes.

SECRETARY KEMP: Okay. We will pull off SEB Case 2008, number 64. It will come off the Attorney General's consent calendar.

Anyone else in the audience wish to pull off a case?

(Whereupon, there was no response)

SECRETARY KEMP: Okay, Hearing none. Any of the board Members wishing to pull off the case?

MR. WEBB: Yes, Mr. Secretary, I would like to pull off SEB case number 2008-37, Twiggs County. It's under Tab 31.

SECRETARY KEMP: All right. We'll pull off 2008, number 37, Twiggs County.

MR. WEBB: Also, case 2009-55, City of Bartow. That's Tab 35.

SECRETARY KEMP: All right. We'll pull that off. 2009, number 55, City of Bartow.

MR WEBB: And my final case is SEB case number 2010-23, Hall/White County.

SECRETARY KEMP: All right. 2010, number 23? Is that correct, Mr. Webb?

MR. WEBB: Yes.

SECRETARY KEMP: All right. And we'll pull that off. Anybody else?

MS. BRUMBAUGH: Mr. Chairman, I would like to discuss 2010-82, Paulding County, number 43.

SECRETARY KEMP: All right. We'll pull of 2010, number 82. Anybody else?

I'd like to pull off 2010, number 34, Hancock County.

Do we know where Mr. Waters is? Is he still looking for Mr. McIver? Tommy, you want to check on them? I heard that Mitt Romney was in the halls earlier, so he may have -- he may be talking to those folks out there.

Tell you what. Mr. Webb needs to step out for a minute. Why don't we just take a five-minute break? Well, let's just -- we'll come back at 2:45; how about that?

- - -

(Whereupon, a break was taken)

- - -

SECRETARY KEMP: All right. We're going to go ahead and get going. We want to get Mr. Simpson past Eagle's Landing exit on 575 before the witching hour so we will reconvene.

I think the first order of business would be to vote on the consent orders that we are not going to pull off the consent calendar. Are you all clear about those?

Let me just go through and tell you the ones we're going to pull off the consent calendar: 2008-37, Twiggs County; 2008-64, Chatham County; 2009-55, City of Bartow; 2010-34, Hancock County; 2010-82, Paulding County; 2010-23, Hall/White County. Those are the cases that we will not be voting to -- on the motion on the Attorney General's consent calendar.

Did I include everything that everybody wanted?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing no objection, I will take a motion for the remaining

cases that are on the consent calendar. We'll vote on those and block.

MR. McIVER: I'll move.

MR. WORLEY: Second.

SECRETARY KEMP: All right. We have a motion to accept the consent orders on the cases that remain on the Attorney General's report on our consent calendar. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

SECRETARY KEMP: All right. We'll now call the individual cases that we pulled off the consent orders, the first one being, 2008, number 37, Twiggs County. Ms. Brumbaugh?

MS. BRUMBAUGH: Yes. Twiggs County respondents in this case are Greg Stone and Doyle Stone. Doyle Stone is Greg Stone's father. In the 2008 July 15 July primary election, Greg Stone was the candidate for Twiggs County Sheriff and there were allegations that both father and son went around collecting absentee ballots from elderly electors; assisting absentee ballots -- assisting with absentee ballots from elderly electors. Both of the Stones have agreed to consent orders each in the amount of \$300 for violations with three different electors.

Doyle Stone unlawfully assisted Helen Wimberly with her absentee ballot and Syreatha Basely. And he unlawfully possessed Hennie Lou Washington's ballot and his fingerprints were found on Hennie Lou Washington's ballot.

Greg Stone, his fingerprints were found on Helen Wimberly's ballot, on Syreatha Basely's ballot and, on Martha McCord's ballot.

And so the consent orders reflect \$100 for each one of these per violation; per elector.

SECRETARY KEMP: Any questions for Ms. Brumbaugh?

MR. WEBB: Ms. Brumbaugh, how did you come up with the civil penalty?

MS. BRUMBAUGH: I followed the kind of rule of thumb that this -- the board has followed, really since before I started, where when we absentee ballot violations it's \$100 per ballot or per elector. So in each case there were three different electors whose ballots had been -- that the law had not been followed on those ballots, so each respondent agreed to pay \$300 civil penalty.

MR. WEBB: In the original complaint wasn't there more than just three ballots per person?

MS. BRUMBAUGH: In the original complaint there were; there were more like six. There were two people who were members of -- I think, they were in a nursing home and there was some question as to whether they're -- they gave somewhat inconsistent statements regarding what had happened and I didn't feel that we could prove those cases if we went to hearing.

There was another gentleman named, Roosevelt Lyden. There was more evidence regarding Mr. Lyden and that, you know, perhaps the DoYLES -- the STONES had unlawfully assisted with his ballot; several people said he was not disabled and he should have been able to do this on his own.

This was a negotiation between, you know, with the STONES and their attorney and this was the -- this is what we have negotiated and agreed upon.

And so there were -- when you look at the consent orders there are -- is the issue of handwriting. To prove that at a hearing, would require -- I think this handwriting analysis was done at Quantico in Virginia. So to prove some of these allegations would require flying in the handwriting analysis from Quantico, Virginia and getting them to Twiggs County, Georgia. So there was -- that was sort of some of the considerations that went into the specific presentation in this case.

SECRETARY KEMP: Any other questions? Is there anyone else wishing to speak in regards to this?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I'll be glad to accept a motion on the Twiggs County case, 2008, number 37.

MR. McIVER: Move to accept.

SECRETARY KEMP: Got a motion to accept. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: We've got a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying "Aye."

(Whereupon, the vote was taken)

SECRETARY KEMP: All opposed, same sign. That motion carries --

MR. WORLEY: Aye. I'm opposed.

SECRETARY KEMP: All right. Let the record show that Mr. Worley was opposed. So the motion carries 4-1; is that correct? All right, sorry about that.

On to 2008, number 64, Chatham County, Tab 32.

MS. BRUMBAUGH: The Chatham County case, we last considered this case in May in Savannah. I'm not sure how many members -- I think at least three of the board Members were there; two of them may not have been.

At that time we had subpoenaed all of the original 20 respondents to the meeting and conducted basically an evidentiary hearing and we were able to close the case against all but four of the respondents. At the end of the May meeting the respondents that were left were John McMasters, Edwin Morris, Alexia Williams, and Kim Ross.

At that May meeting, Kim Ross appeared and John McMasters' mother-in-law appeared and they both told substantially the same story which was, everyone met at John McMasters' mother-in-law's house and Edwin Morris brought some petitions which had been filled out and he handed these petitions to Alexia Williams and Kim Ross and said you need to sign these petitions as circulators before you get paid.

And so these girls -- Alexia was about 20 at the time; Kim is older. Kim had testified, I was just trying to make a little extra money and I think I made about \$100. They did what they were told. They signed as circulators of these petitions they had not circulated. McMasters' mother-in-law notarized the signatures and everything was turned into the Chatham County's registrar's office.

Because McMasters and Alexia Williams did not show up at the hearing at the May meeting, I then went down -- per the board's guidance, I went down to Savannah at the beginning of August and I deposed John McMasters and Alexia Williams and they both independently told me the same -- well, basically, the same story: that Kim Ross and McMasters' mother-in-law had said. There was this meeting; these petitions were filled out; I was told to sign it. I, you know -- I was just trying to make a little extra money. I signed these petitions; I didn't circulate them. And then, low and behold, a year later, I find out that I have signed petition as circulators that contain forgeries.

Additionally, Edwin Morris -- so it began to appear that Edwin Morris was really the mastermind of this whole situation. Edwin Morris had recruited two groups of people. He recruited people who signed those petitions who actually put the forgeries on

those petitions. And we still don't know who those people are. And then he recruited Kim Morris and Alexia Williams to sign those petitions as circulators. And we don't have any evidence that McMasters was involved in this conspiracy.

So given the story that four people have told independent of each other that is, you know, consistent, I have presented two -- I'm presenting two consent orders today and I'm recommending that John McMasters' case be closed for lack of evidence.

Regarding Alexia Williams, I am -- she has submitted a consent order for a \$300 civil penalty, cease and desist and public reprimand. Again, she was 20 years old. She wasn't really politically motivated. She just wanted to make some money. And she only made about \$100, you know, from doing this. So she's agreeing to pay a civil penalty that's three times the profit she made in this case.

Edwin Morris, over the course -- since this happened in the summer of 2008, he has suffered two strokes; he is incapacitated; he cannot speak. He is a very ill, ill man. He lives with his parents when he's not in the hospital. He has agreed to a \$10,000 civil penalty, suspended upon his agreeing not participate in elections for 10 years. He will not engage in any election campaigning or consulting work. He will additionally cease and desist for many other violations of the election code and he shall accept a public reprimand.

So my recommendations are to close the case against John McMasters for lack of evidence, and to accept the consent orders against Alexia Williams and Edwin Morris.

And that still leaves Ms. Ross's case outstanding. I have attempted to contact her over the summer and the fall given the address that she gave on the record at the May meeting. My letters are coming back, but since she gave us an address I feel like I can go down to Savannah, have a hearing, and if she doesn't show up we should be able to get a default judgment against her.

SECRETARY KEMP: Okay. Any questions for Ms. Brumbaugh?

(Whereupon, there was no response)

SECRETARY KEMP: All right. Anyone else wishing to speak? Ms. Stone, welcome back.

COMMISSIONER STONE: My name is Helen (unintelligible) Stone. I live at 9974 Whitfield Avenue, Savannah, Georgia, 3146.

I really appreciate the State's patience with this. This is the fifth time that I have been before you and I think you all have done an outstanding job. However, it's very sad in a way because Edwin Morris does not know me. John McMasters and his friend Jeff (unintelligible) were the real instigators in this whole case. They were the ones that got Edwin Morris involved in this because they were sitting commissioners when I ran

against Mr. (unintelligible) and they wanted to make certain that someone was on the ballot to run against me.

I understand that the lack of evidence to him and Mr. McMasters on this case is probable at best. It's just very sad because he -- I can tell you right now, if Edwin Morris were to walk into this room he probably wouldn't even know who I am. And that's the sad part of this case. And it troubles me that the person that was really sort of behind it is not going to receive any penalty because this has cost you all a lot of time and money and it's cost Chatham County some time and money. And for that reason and that reason alone, I'm very saddened by that.

But I would like to offer a suggestion. And I have spoken with one of my State senators who's in agreement with this, Senator Buddy Carter. And I'm just going to offer this because going forward, I don't want this to happen to anybody else. And it would seem to me that when you go out with these petitions to have an independent candidate put on a ballot, if when you knock on someone's door and you ask them to sign this petition, just as we did with the voting polls, if someone had to show some form of ID saying I am who I am when I sign this petition, we might not be in this boat again.

So I'm just going to take the time and I will submit this to read what I've asked a Chatham County attorney to draft for me and I would like for it to go into your record and for you to consider this.

It says: I would request that the Secretary of State or the State board of elections ask the General Assembly to enact legislation so that anyone circulating a petition to be used for a nomination of candidates, a referendum, or for other election-related matters, require that the person or persons circulating the petition verify the identification of these signing said petitions. Specifically, circulators should be required to confirm the signature's identity by use of either a voter identification card, driver's license, voter registration card, or any other form of identification deemed appropriate by the General Assembly. Requiring a person circulating a petition to verify the identity of the person signing the petition would take care of issues similar to the issues in this case in that the identity of the person signing the petition would, in fact, be known. In addition, such legislation should include a provision such that these -- those circulators who fail to comply with verification requirements could face the risk of criminal prosecution. This simple requirement of mandating that persons circulating petitions to identify the signers would go a long way in preventing fraudulent petitions which contain phony names, names of deceased persons, and persons not even qualified to execute the petition.

And I will submit this to you all and ask that you consider so that you don't have to go through this in the future; people whose names were forged won't have to go through that again; and people running for office won't have to go through it. Thank you.

SECRETARY KEMP: Do you have a copy of that, Commissioner Stone? Do we have a motion to accept?

MR. McIVER: Move.

MR. SIMPSON: Second.

SECRETARY KEMP: Got a motion and a second to accept. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of accepting the document, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: The motion carries and we will accept the document. Thank you. Commissioner?

MR. GELLATLY: Thank you, Mr. Secretary and the members of the board.

SECRETARY KEMP: Commissioner, if you don't mind?

MR. GELLATLY: Certainly. My name is David M. Gellatly, G-E-L-L-A-T-L-Y. I live at 718 Winter Road, Savannah, 31419 and I'm currently a Chatham County Commissioner and have been going on 12 years.

I do thank the board for your patience. I think the case has been investigated as the best as it can. I think -- I commend the Attorney General's Office efforts on this also. The only thing that I would like to comment on and offer -- and it's critically important -- I'm doing this so it's on the record.

It's critically important to know that this isn't just something one or two people got together and decided to forge signatures. This was well orchestrated. It was well orchestrated by a man that's very intelligent and sometimes devious and that I've known personally for a long time; that would be John McMasters. He personally got all the petitions together, collected them from the Chatham County voters group and actually got the petitions, the affidavits notarized and actually passed out the petitions and then actively collected the petitions.

I think he's, as I stated, a smart man. He knew exactly what he had when had Mr. Morris employed. He's a well-known individual in Savannah. It's well-known and established that he paid, or not he, necessarily, but Mr. Morris was paid \$3 per signature. So it's a profit motivator. Maybe, that, too, needs to be taken a look at as far as state law is concerned. Do we really want to be paying for signatures? Is that a good thing? And it

certainly wasn't a good thing in this case.

I think I have mentioned before that I have 40 years in law enforcement and I understand what it takes to make a case. I also want to say that personally looking at this petition myself, in its entirety, there were probably as many as 200 signatures on there that nobody was contacted. Someone just sat down and had a bogus list, sat down at the kitchen and just wrote those signatures down for \$3 apiece. And there's something terribly, terribly, terribly wrong when that occurs in our State of Georgia.

Before I came here in 1980, and I came here as the Chief of Police of Savannah at the time, my last six years of being Chief of Police was in Madison, Illinois, which was 21 miles from downtown Chicago; that's how they did it there. But by God, that is not the way we should do in the State of Georgia. We are so much better than they are. And I'm just hoping that we can learn from this and that there must be a half a dozen ways that we can tighten up the laws where this doesn't occur, or if it does occur that it makes it easy on our very qualified investigators and our qualified Attorney General's Office to make a solid case and a criminal prosecution.

This is a horrible thing that's occurred and has been carried out or carried over for several years and I don't think that justice was served in this. But after saying that, I do agree that it was thoroughly investigated and we did it under the best we could do with the existing laws, rules, and regulations. But I hope that we can improve on it because this is terribly wrong. This is the way they do it in Chicago; this is not the way we do it in Georgia. Thank you.

SECRETARY KEMP: Thank you. Any questions for either one of the Commissioners? All right.

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Let me just say I appreciate y'all's diligence in this matter and Ms. Brumbaugh's, for that matter, and the board's. I know this has been a long haul. Certainly, I think the board would agree that we wish we had more information or more evidence, you might say. But I think we took an unprecedented measure when we subpoenaed people and we came and had our meeting to -- in Savannah. I think that sent a message, not only to the community down there but, also, to all the elections officials that were in attendance of that meeting about how seriously we take voter fraud and absentee ballot fraud in the State of Georgia and as a board, and we will continue do that.

We certainly need our citizens and elected officials and everyone else involved in the

elections process to help us with that and that's why we created our Stop Voter Fraud website and our 1-800 hotline number where any citizen, any Georgian, or any person that sees potential election fraud violation going on can report back to us.

Even though we sometimes don't get the outcome that want I think people know that we will investigate. We will continue cases until that last rock is turned over and we will continue to do that in this case until we can track down Ms. Ross as a witness.

With that I will be ready for a motion if anyone has one.

MR. McIVER: I'd just like to add, Mr. Secretary, I for one, really appreciate your tenacity. I wish more people felt as passionately about the integrity of our voting process as you did and you have been a great example for me.

SECRETARY KEMP: Thank you, Mr. McIver. Do we have a motion to accept the consent orders for Edwin Morris and Alexia Williams? And then to dismiss respondent John McMasters?

MR. WEBB: I so move.

MR. SIMPSON: Second.

SECRETARY KEMP: Mr. Simpson seconds. Any other discussion?

MR. McIVER: Would someone please give me just a brief explanation on McMasters again?

MS. BRUMBAUGH: Mr. McMasters, according to the evidence I have from Mr. McMasters' mother-in-law, who is the Notary of these petitions, from Alexia, and from, and then also from Mr. McMasters himself -- both Alexia and Mr. McMasters gave me their stories independent of each other, independent -- they didn't come to the meeting and May so they were unaware of what other people were saying. With the evidence we have -- the testimony of these four people would be that there is a meeting after all of these petitions have been filled out. That meeting is at John McMasters' mother-in-law's house -- the Notary. John McMasters comes in one car; Edwin Morris comes in another car; Alexia Williams comes in a third car; Kim Ross comes in a fourth car. Morris brings the petitions. Morris hands the petitions to Alexia Williams and Kim Ross and Morris says you have to sign these petitions as circulator or you don't get paid.

I even had -- at the deposition of Alexia Williams I gave her the petitions and I said tell me which ones you circulated yourself and tell me which ones you just signed it without highlighting or flags or anything, the ones she said she circulated herself were ones that did not contain forgeries on them. So she was handed these petitions that had forgeries on them, she and Kim Ross were told they had to sign them before they get paid by Edwin Morris and they sign them. They gave them back to Edwin Morris and Edwin Morris paid them. That is one of four different people tell me.

And so John McMasters is present at that meeting, but not one of those four people say, yes, John McMasters was the one that paid me; yes, John McMasters was the one that brought me the petitions; yes, John McMasters said wink, wink, nod, nod -- now we've accomplished our goal. I think common sense -- as Ms. Stone said, you have to wonder about how could he not know. Unfortunately, how could he not know is not evidence and I have to bring in evidence that puts somebody who was directly on the scene saying yes, he was involved; yes, he had knowledge; yes, he said this or did this. I don't have that. I have four people all independently saying -- not giving me anything. So based on that, that is my recommendation to close Mr. McMasters' case.

SECRETARY KEMP: Thank you, Ms. Brumbaugh. Mr. McIver, anything else?

MR. McIVER: Well, of course, troubled about McMasters at least on the circumstances available to us going completely free and closing the case on him. I would be willing to entertain discussion of at least a cease and desist and a letter of instruction for him. I mean, we're not reprimanding him because we find evidence to do so, but you can issue a letter of instruction for being late to this meeting. That can be instructive. And a cease and desist, as well. I would like to see something with respect to Mr. McMasters.

SECRETARY KEMP: I'm certainly open to that. Commissioner Stone, that you have something more to add?

COMMISSIONER STONE: There was one link. Mr. McMasters was the one that turned all these petitions in to the elections board and got the receipt for it. We have copies of the receipt. So there is a way to --

SECRETARY KEMP: The problem is, though, the link doesn't necessarily mean that we can prove he knew those were fraudulent even though we may in our minds no legal perspective. Is that your understanding, Ms. Brumbaugh?

MS. BRUMBAUGH: Yes. We have to prove some element of knowing. That's always been one of the biggest problems in this case. Certainly we given the evidence that I've outlined, we have circumstantial evidence of knowing on Edwin Morris' part. He comes in with these petitions, the petitions have forgeries on them, he sets up another bunch of women to sign them. You know, he is orchestrated something we are the two hands don't know the other one is doing. So we have circumstantial evidence of him knowing that these petitions have forgeries on them.

There has never been any question that McMasters was recruited Morris. McMasters admits that. I knew Morris from a previous campaign related subsidence is suggested to Osborne that he hire Morris. No, there is no dispute that these documents get passed on to McMasters and he takes them to the Chatham County registrar's office. The problem is there is no evidence -- there's not even any evidence of a discussion. You know, if we had -- if at that meeting at his mother-in-law's house somebody had said, hey, there's forgeries on these petitions, and he had heard that, we could impute some kind of

knowing to him. We could say, yes, you should have been responsible for this. But we don't have that and we have four different people giving a very similar story. Yes? I'm sorry.

MR. SIMPSON: I'm just going to say I agree with Mr. McIver that this does not go down well. But, remember, McMasters is presumed innocent and no evidence means no evidence. I don't see how you can issue a letter of instruction, a reprimand or anything when our counsel is sitting here telling us we have no evidence. It doesn't go down very well; none of us like it. He may or may not be involved, but we still can't pursue or take action against him, I don't believe, unless we have some evidence and if we don't have it, we don't have it.

SECRETARY KEMP: Mr. McIver?

MR. McIVER: Ms. Brumbaugh, on the circumstances here before us today, may we issue a letter of instruction and a cease and desist order to this gentleman?

MS. BRUMBAUGH: I think it's within your discretion to issue a letter of instruction. That is a unilateral document. It has no legal weight. But it is certainly within the discretion of the board to do this. A cease and desist -- you could probably put it in the letter that we recommend that you cease and desist. We could write it in a way that -- again, it is a unilateral, non-binding document and it is within your discretion to issue a unilateral, non-binding document. Just remember that's what it is. We have done it -- we haven't had a case that compares with these facts. We have issued a notice of instruction in the past and we have voted today to -- you I voted today to do it a few times. So it is certainly within your discretion, but it doesn't -- it does send a signal of disapproval. But we cannot ever go after Mr. McMasters and say here is this letter of instruction we sent you, therefore, you are obligated and you are in contempt of this document.

MR. McIVER: But in many ways would've stigmatized him; we would have attacked him with a wrong in our view in giving him a letter of instruction.

MS. BRUMBAUGH: Yeah, it certainly depends on the text of the letter and how it's phrased. There is a wide -- there are many ways of writing a letter of instruction.

MR. WORLEY: If I may, Mr. Secretary, I don't believe we should be in the business of stigmatizing people if we don't think we can prove they did something wrong.

SECRETARY KEMP: Commissioner Stone?

COMMISSIONER STONE: May I just ask a question. Since you have one more person to depose, could the case of Mr. McMasters just to be held open the case in the additional information comes forward?

MS. BRUMBAUGH: Well, we're not going to depose Ms. Ross. Ms. Ross came to the May meeting; she testified at the May meeting. Her story was consistent with the other

peoples' and it did not implicate Mr. McMasters. So what I expect to do with Ms. Ross is sent the case for hearing, take another trip to Savannah, and probably Ms. Ross will show up. But she put her address on the record in May and that is enough -- I have a good address on her and if she doesn't show up, we get a default judgment on her. I think at this point we have testimony that is under oath and on the record from four different people saying -- no one is giving a shred of evidence that Mr. McMasters had knowledge of the forgeries. So there is no further investigation to do. There's really no evidence against him and we probably just need to resolve this today.

SECRETARY KEMP: Mr. Webb?

MR. WEBB: I would not be in favor of a letter of instruction containing a cease and desist because a cease and desist is stating do not do this act again that we are saying we don't know he did an act. The only thing I could think of is to Mr. McMasters -- was he aware that Ms. Ross and Ms. Williams were signing petitions they did not circulate?

MS. BRUMBAUGH: He says he didn't know that.

MR. WEBB: Mr. Morris, for that matter, didn't even say that Mr. Masters instructed him to do so or committed any act on himself. I think if we can't get Mr. Morris to stay Mr. McMasters did commit some act, then I think that pretty much seals the case and that Mr. McMasters should be dismissed.

SECRETARY KEMP: Okay. We've got a motion on a second to accept the consent orders on Alexia Williams and Edwin Morris and dismiss the case of John masters. Is there any other discussion?

MR. WEBB: One more final point. Ms. Williams agreed to a \$300 fine?

MS. BRUMBAUGH: Yes.

SECRETARY KEMP: Yes, she signed. She's already signed the consent agreement?

MS. BRUMBAUGH: Yes. That's in your notebook.

SECRETARY KEMP: All right. We've got a motion and a second. All in favor, signify by saying "Aye."

(Whereupon, the vote was taken)

SECRETARY KEMP: All opposed, same sign.

MR. McIVER: Aye.

SECRETARY KEMP: We have one no vote; the motion carries. We have accepted the consent orders for Alexia Williams and Phil Morris. We have dismissed the case on John McMasters and we will continue to pursue Ross. Thank you all for your diligence. Have

a safe trip back.

All right. Ms. Brumbaugh. Our next case we wanted to pull out was 2009, number 55, City of Bartow; that's number 35 in your book.

MS. BRUMBAUGH: In this case, there were six absentee ballots cast in the November 3 to 2009 municipal election for this City of Bartow and there were just a myriad of problems. The respondents, who were all City of Bartow -- respondent Scarborough was the town clerk and elections superintendent and respondent Everetts were running the City of Bartow municipal election. None of them were trained. None of them contacted the Jefferson County registration clerk, Chandrelle Evans to verify the signatures on the applications for these six absentee ballots. And then they just kind of handed the ballots to family members of these six electors. Then the absentee ballots came back; respondents again failed to compare the signatures on the absentee ballots with the signatures on the applications or the registration cards.

And then there were additional violations specific to several of the six ballots which are spelled out in more detail in the consent order. Again, consistent with the -- we have an absentee ballot -- absentee ballot mismanagement or fraud is usually \$100 per ballot. They agreed to a \$600 consent order for the six absentee ballots.

SECRETARY KEMP: Any questions for Ms. Brumbaugh?

MR. WEBB: Ms. Brumbaugh, I am not clear on who is being fined \$600. Are they each being fined \$600?

MS. BRUMBAUGH: No. It is a \$600 total.

MR. WEBB: Is it split three ways?

MS. BRUMBAUGH: Well, I suspect that John Murphy -- this was handled by John Murphy, who, I guess, is the city attorney for the City of Bartow. So I expect that the City of Bartow will pay the \$600. I didn't get that specific in my negotiations, but that's my assumption.

MR. SIMPSON: How can you enforce it if you don't know who is supposed to pay what?

MS. BRUMBAUGH: Well, typically this is -- we often do consent orders this way and we don't -- they agree. I mean, ultimately, they are on the hook. I don't think they're going to be cutting personal checks; I don't know that for sure. But ultimately, Ms. Scarborough and the Everetts are the ones -- they are the respondent; they're the ones assigned the consent order so ultimately we could go after them. But my expectation is the check will actually come from the City of Bartow.

MR. SIMPSON: Well, you might correct that by adding the words jointly and severally

after to -- and to pay jointly and severally \$600.

MS. BRUMBAUGH: I'm sorry. I couldn't hear you.

MR. SIMPSON: If you put some language in there that says that order is joint and several, the payments could be made jointly and severally. That way you could enforce the whole \$600 against any of them are all of them.

MS. BRUMBAUGH: I can do that in the future.

MR. SIMPSON: Okay.

MR. WEBB: The Everetts, their actions were committed in their capacity as poll managers?

MS. BRUMBAUGH: Yes.

MR. WEBB: All right. Thank you.

SECRETARY KEMP: Anything on this one? Anyone else here wishing to speak in regards to this case?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a motion to accept this consent order?

MR. McIVER: I move to accept.

MR. WORLEY: Second.

SECRETARY KEMP: We've got a motion to accept in the second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: The motion carries and we have accepted the consent order for the City of Bartow.

The next case is 2010, number 34, Hancock County, tab number 39, I believe. Number 42 tab. Ms. Brumbaugh?

MS. BRUMBAUGH: Yes, this case came before the board in the February meeting in

Macon. Judge Rice, who is no longer involved in elections in Hancock County is my understanding, she was the probate judge and the elections superintendent. She was responsible for express poll testing. She did not sign the L & A forms in a timely manner that the express polls had undergone logic and accuracy testing. She agreed to pay \$500 civil penalty, to cease and desist, and to accept a public reprimand. A couple of other times we've had some L & A issues come up and I have recommended a \$500 fine and the respondents have agreed the board has accepted it. So I have kind of gone with the \$500 fine on L & A violations.

SECRETARY KEMP: Any questions for Ms. Brumbaugh? Mr. McIver?

MR. McIVER: Ms. Brumbaugh, are there any restrictions on -- once a judge always a judge, I think -- Judge Rice returning to the election process in Hancock County?

MS. BRUMBAUGH: There are no -- she would either have to get a job or be appointed to the board. So she would have to impress someone else with their qualifications. She can't just --

MR. McIVER: Agreed. But there is no restriction on her serving in this capacity in the future?

MS. BRUMBAUGH: No.

SECRETARY KEMP: There has been legislation, I think, Mr. McIver, that will combine the board. I believe that's right in Hancock County, which takes that duty away from the probate judge's office. Anyone else?

MR. WORLEY: Ms. Brumbaugh, how many cases have we had involving Hancock County in recent years? Do you know roughly?

MS. BRUMBAUGH: I am personally aware of two and if I flip through my chart --

SECRETARY KEMP: Mr. Harvey, have we got any open cases?

MR. HARVEY: Yes, sir. We have several open cases in Hancock County.

MR. WORLEY: And to Mr. Harvey or Ms. Brumbaugh, and has Judge Rice been a respondent or is she a respondent in these cases?

MR. HARVEY: I believe in some pending there's potential that she's a respondent. I believe the most recent is after her tenure as elections superintendent ended.

MS. BRUMBAUGH: She was a respondent several years ago in a case.

SECRETARY KEMP: Anything else, Mr. Worley.

MR. WORLEY: No.

SECRETARY KEMP: Ms. Brumbaugh, did you have anything else?

MS. BRUMBAUGH: No.

SECRETARY KEMP: Any other discussion? Ma'am, you wanted to speak?

MS. SHAFFER: Thank you, Mr. Secretary. Lee Shaffer on behalf of Judge Marva Rice of Hancock County. My address is 3635 Peachtree Industrial Boulevard in Duluth, Georgia. Just to set the record straight, Marva Rice has been named a respondent. That was once in 2004 and that was resolved. There have been other investigations subsequent to the passage of SB173, which specifically removed -- (unintelligible) board of registrars and board of elections. We are not aware of any other investigation. We've not been named as a respondent at all.

SECRETARY KEMP: When you say "we" you're speaking on behalf of Ms. Rice?

MS. SHAFFER: I'm speaking on behalf of Judge Rice, yes, sir.

SECRETARY KEMP: Any other questions for Ms. Shaffer?

MR. McIVER: Ms. Shaffer, we're honored to have you here today.

MS. SHAFFER: Well, thank you very much.

MR. McIVER: One that's such an expert in elections as you. I know you're no stranger to these proceedings.

MS. SHAFFER: I've been here a few times.

MR. McIVER: Always a pleasure to have you come. Things go smoother when you're here.

SECRETARY KEMP: Hopefully the leadership in Hancock County, Georgia know we're a little tired of getting to see them so often.

MS. SHAFFER: Well, in April of this year, I resigned as -- I had been their county attorney since '01. So this is my last -- I think it's going to be my last time before the board on behalf of Hancock County and Judge Rice, as well.

SECRETARY KEMP: We'll figure out a way to send that another way.

MS. SHAFFER: There you go.

SECRETARY KEMP: Any other discussion? Do we have a motion to accept the consent order?

MR. McIVER: I move to accept.

SECRETARY KEMP: I'll second. We've got a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor signify by saying "Aye."

(Whereupon, the vote was taken)

SECRETARY KEMP: All opposed, same sign.

MR. WORLEY: Aye. I'm opposed.

SECRETARY KEMP: Let the record show Mr. Worley's opposed. So that motion carries on a 4-1 vote and we have accepted the consent order.

We're on to our last case, 2010, number 23, Hall/White County, number 52.

MS. BRUMBAUGH: Actually, I wanted to talk about 2010-82, which is tab number 43, just quickly.

SECRETARY KEMP: Oh, yes. Paulding County. What tab is that again?

MS. BRUMBAUGH: Tab number 43.

SECRETARY KEMP: Okay.

MS. BRUMBAUGH: These cases were referred to my office in August. There were just two respondents: Christine Cruz and Horace Robert Parmer who had allegedly registered to vote while on probation for felonies. I sent out consent orders but both of the consent orders came back, you know, undeliverable, bad addresses. So my recommendation to the board was to close the cases because we couldn't prove notice if we had to send these cases to a hearing.

After Mr. Harvey's office sent notice to Ms. Cruz, she contacted me. So she has been getting our letters. She does have an address we can contact her. And we can still pursue the case against Ms. Cruz. So I would ask that the board close the case against Horace Robert Parmer for lack of a good address, but that we keep the case against Ms. Cruz open to pursue the fraudulent registration.

SECRETARY KEMP: Any questions for Ms. Brumbaugh? Anyone else here wishing to speak regarding this matter?

(Whereupon, there was no response)

SECRETARY KEMP: I'm ready for a motion.

MR. SIMPSON: So moved.

SECRETARY KEMP: So we have a motion to close against Horace Robert Parmer and a motion to keep the case open for Christine Cruz.

MS. BRUMBAUGH: Yes.

SECRETARY KEMP: Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: We've got a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. All right. Now the last case, SEB 2010, number 23, Hall/White County, number 52 in your book.

MS. BRUMBAUGH: This case is really strange, honestly. The victim in this case, a man named Charles Bailey, was originally registered to vote in Hall County. He moved to White County. He transferred his registration to White County and he received a White County precinct card. Hall County then destroyed his Hall County registration card, but at some point after that, they checked their cards in their office against a printout of voters and Charles Bailey was still on this list of voters. So Hall County recreated a registration card for Mr. Bailey which transferred his registration back to Hall County.

Charles Bailey got notice of this, said, no, I live in White County, and then Hall County deleted him entirely from the voter registration database instead of transferring his registration back to White County. Mr. Bailey went to vote last November and he was not registered. So, obviously, he wasn't very happy about that.

At the February meeting, the board referred only the Hall County part of this to me. The White County part did not come to me and this is a consent order signed by Ms. Sosebee, who was here earlier, in addition to Vanda Edwards and they have agreed to a \$200 civil penalty, a cease and desist, and a public reprimand.

SECRETARY KEMP: Any question for Ms. Brumbaugh?

MR. WEBB: Ms. Brumbaugh, who has to pay the \$200?

MS. BRUMBAUGH: Hall County will pay. They're both Hall County employees.

This was negotiated through the Hall County attorney's office; this is William Blaylock who is the Hall County attorney.

MR. WEBB: All right. Just for future reference if you could clarify that in future orders that would be great. And how did you arrive at the \$200 amount?

MS. BRUMBAUGH: I just did \$100 for the fact that they first destroyed his registration card -- no. First they recreated his registration card, which was a violation of 21-2-562(A) in that they were creating a false document. And then they deleted his registration entirely from the voter registration database and they didn't give him three days' notice before they did that. And, you know, as I said, in two years I haven't seen anything close to this. It was somewhat difficult even figuring out the trail of actions and how this had happened. Two hundred dollars was what was agreed upon, but if the board feels that something more is needed, that's certainly reasonable.

MR. WEBB: I'm satisfied.

SECRETARY KEMP: Anybody else? Anyone else wishing to speak in regards to this case?

(Whereupon, there was no response)

SECRETARY KEMP: I'm ready for a motion.

MR. WEBB: Move to accept the consent order.

SECRETARY KEMP: I've got a motion to accept the consent order.

MR. WORLEY: Second.

SECRETARY KEMP: Got a second by Mr. Worley. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of accepting the consent order, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Now we've got some initial decisions. SEB case 2009, number 29, Talbot County.

MS. BRUMBAUGH: Yes. These two cases involve the same allegations but very different facts and different initial decisions. My assessment of these cases are very

different. Talbot County -- both of them involve people who voted twice, or attempted to vote twice.

The first case is Talbot County, 2009-29, and Mr. Raines voted twice, once by an absentee ballot and then once he came into the registrar's office with a woman named Sugar Momma, whom I believe we may see at some point on other cases.

Mr. Raines was illiterate; he was very apologetic for what he did. It wasn't clear to me that he even understood completely what he did. He had a -- the clerk of Talbot County, when she found out what was happening that day, volunteered to serve as his character witness, which in 10 years of doing trials and hearings I've never seen. She testified very eloquently to his mental condition, like I said, his lack of literacy, his capacity issues. And the judge wrote a very long decision about how, you know, Mr. Raines didn't understand and since he didn't understand what he was doing, then he couldn't have had the intent to fraudulently commit these actions, which is what the code requires.

At the hearing -- usually when we do consent orders in these cases, a consent order where you admit that you've voted twice, people agree to \$1000 civil penalty. I explained that to the judge and I recommended, really, just a \$100 civil penalty because I felt that Mr. Raines needed to understand how serious this was and not do it again. The judge, as I said, wrote a very extensive decision saying that Mr. Raines hadn't violated the code at all. In reading the transcript again, I tend to agree with the judge that Mr. Raines was not really able to understand what was happening.

The second case, 2010-63, is very different. This case, James William Brewer --

SECRETARY KEMP: Ms. Brumbaugh, do you think we should go ahead and move on the first case?

MS. BRUMBAUGH: We can do it that way; that's fine.

SECRETARY KEMP: Anybody got any questions on that? On that first case?

MR. McIVER: I've got some discussion.

SECRETARY KEMP: Anyone wishing to speak on Talbot County case?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, Mr. McIver?

MR. McIVER: Well, as I've spoken before in a couple of earlier meetings, I'm very troubled by Judge Kennedy's decision at OSAH. And to determine that there's no violation of law when we have double voting and an election code that seems to be particular intolerant on that subject. So I've read and reread her description, even her citation to Black's law dictionary, which we all learn much about in law school, and still I find it troubling that there isn't any kind of violation whatsoever.

So my opinion is that some sort of action should be taken by the SEB -- I'm certainly willing to discuss that -- against Mr. Raines and perhaps he understands it and perhaps he doesn't. But I'm concerned about taking no action where there, in my view, has been a violation of the code.

SECRETARY KEMP: Ms. Brumbaugh, what would be our options here? Do we just make a motion to disagree with the initial decision and then put our own penalty in there? What's the procedure for this?

MS. BRUMBAUGH: What we would do is you all would vote to modify the -- reject the initial decision and you would vote on the terms that you think are appropriate. Then I would write it up and you would sign it.

SECRETARY KEMP: Any other discussion?

MR. SIMPSON: It looks like to me the primary actor in here is Sugar Momma. It looks like maybe she's taking advantage of this guy or manipulated him. And to me that's more egregious than just the -- you know, the man did not understand what he was doing; could not comprehend it and he's being manipulated. That's the real -- looks like to me that's the point of attack. That's where we ought to go rather than to punish him. That's just my personal thoughts.

MR. McIVER: Have you promised us we'd have another opportunity to --

MS. BRUMBAUGH: I've been told by Mr. Harvey that Sugar Momma will be appearing before you all at some point. They have an investigation. Sugar Momma is the wife of a councilman down there. Is that what her --

MR. HARVEY: I don't recall exactly what her role is --

MR. McIVER: I think she's a council member.

MR. HARVEY: Our investigation is still open.

MS. BRUMBAUGH: Initially, when he started talking about Sugar Momma I was envisioning grandma who lives down the street and wants to make sure everybody votes. And then cross-examination, turns out Sugar Momma was definitely not trying to get votes voted as much as getting candidates elected. There was -- that line had been crossed with Sugar Momma.

SECRETARY KEMP: Ms. Brumbaugh, we're going to have to get you out of Atlanta more.

MR. McIVER: Well, the transcript reflects she's a city councilwoman.

MS. BRUMBAUGH: Oh, she is the city councilwoman. Okay.

SECRETARY KEMP: We can always reject the initial decision and do a letter and cease and desist.

MS. BRUMBAUGH: You could reject the initial decision and we could issue a final order finding that he did violate the code, but in light of the testimony that we issue a cease and desist and public reprimand and no civil penalty. You could certainly do something like that.

MR. SIMPSON: Can we find mitigating circumstances? Can we just handle it that way and say we find a violation, but because of mitigating circumstances -- without enumerating those -- rather than follow the usual guidelines for penalty, can we make an exception in this case and give a letter of instruction or reprimand or something like that?

MS. BRUMBAUGH: Sure. We did that for people who were on the board in January of 2010, the Laura Gallegos case. We ended up doing something like that where we said, yes, we find that she violated the code, but we're not going to issue any sanctions against her. We could do something like that.

MR. SIMPSON: How do I make a motion to do that? Just say that?

MS. BRUMBAUGH: I guess you could say I motion to reject the initial decision and substitute a final order which finds Mr. Raines technically in violation of the code, but does not sanction him. That would probably cover it and then I could write it up.

MR. SIMPSON: I make that motion.

MR. WEBB: I'll second.

SECRETARY KEMP: We've got a motion and a second. Mr. McIver?

MR. McIVER: I think it should be more, but I'm going to be bound by the wisdom of my brothers.

SECRETARY KEMP: Okay. We've got a motion and a second. Any further discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none -- is everybody clear on that motion? Absolutely. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Ms. Brumbaugh will get that written up

for us.

The next initial decision is 2010, number 63, DeKalb County.

MS. BRUMBAUGH: Yes. This case, as I stated earlier, presents the same violations, but very different testimony. Ms. Maxine Daniels, who is the election director for DeKalb County is here if you want to hear from her. She was actually the person -- the main fact witness. She dealt with Mr. Brewer as he was attempting to vote twice and she also testified at the hearing.

Essentially, Mr. Brewer voted August 6, 2010 in the Republican primary runoff. That was a Friday. On Tuesday, August 10, which was the actual election day, Mr. Brewer came into a DeKalb County precinct and said he wanted to vote again. DeKalb County caught this immediately. They had kept their paperwork and records up-to-date and the precinct manager said, I'm sorry, you can't vote; you voted on August 6.

Mr. Brewer wouldn't listen to the precinct manager and demanded to speak to Ms. Daniels' office and ultimately spoke to Ms. Daniels after he continued to argue with her deputy. Mr. Brewer was convinced that someone had voted for him on Friday, August 6, and Ms. Daniels finally said, well, you're alleging identity fraud, and because that is a very serious offense, I will report this to the State election board and I will make them aware that you think someone voted in your name.

As soon as Ms. Daniels suggested that officials needed to get involved and that someone could be held responsible for behavior, Mr. Brewer changed his tune and thought, well, maybe I did vote on August 6.

The signatures on everything are consistent. Mr. Brewer, at the hearing, admitted that, yes, he had done -- he had voted on August 6 and then he tried to vote on August 10. He had an extended explanation as to his health and his stress, none of which he brought any documents in to support. There was a lot of discussion about ADD and depression. There was not medical records; there were no prescriptions; there was nothing to back up his claim that he voted twice because he had ADD and depression.

I found him -- despite what the initial said, this is an initial decision by Judge Oakley who has presided over a number of election board cases and typically returns initial decisions almost immediately. This one was actually written the same day as the hearing and they are typically perhaps not the most detailed or thoughtful decisions. Judge Oakley said that -- in paragraph 6 of the Findings of Fact, she said the respondent attributed his presentation at the poll for the purposes of casting a ballot and his ensuing conversations with elections officials to his forgetfulness, which was exacerbated by an excessive level of stress. The elections officials who spoke with the respondent by telephone described him as insistent. However, there is credible evidence to support a finding that the respondent comported himself in a respectful and gentlemanly manner during the time he was present at the polling place for the election.

She then said she found that he had violated the code and in her decision she wrote: the petitioner seeks the imposition upon the respondent of a fine in the amount of \$1000 with issuance of a cease and desist order and public reprimand. That is actually incorrect. I asked for at least \$1000. I explained to her that \$1000 was what we did on consent orders and given his testimony and Ms. Daniels' testimony, that \$1000 was not sufficient in this case.

I will add that Ms. Daniels testified that she had no doubt that he was trying to vote twice because she had never seen anybody else like this in nine years and that she felt that his behavior was intentional and fraudulent.

Judge Oakley ignored that testimony and instead said that the record is devoid of evidence to support a conclusion that the respondent's conduct constituted an intentional willful obstruction of the Georgia Election Code of the severity to merit the imposition of a fine in the amount of \$1000. The respondent expressed remorse and was apologetic for his actions.

I think Mr. Brewer tried to vote twice. I think he tried to bully everyone in DeKalb County and it was only when Ms. Daniels said we'll report the situation that he got a little scared. And now he tried to get out of it. I think \$1000 is not sufficient. I don't think \$100 is even remotely sufficient. And I think that Judge Oakley's order is not characteristic of the testimony in the case. I would recommend at least \$1000 in this case.

SECRETARY KEMP: Any questions for Ms. Brumbaugh?

MR. McIVER: In addition to \$1000, I assume cease and desist?

MS. BRUMBAUGH: Cease and desist and public reprimand, which she included. But she only recommended a fine of \$100.

MR. McIVER: But we're going to need to bring our own to this thing instead of adopting hers.

MS. BRUMBAUGH: Right.

SECRETARY KEMP: Ms. Daniels, surely you've got something to say after you've been waiting all day long.

MS. DANIELS: Yes, sir. Good afternoon. Thank you for your time. My name is Maxine Daniels. I'm director of registration and elections for DeKalb County at 4380 Memorial Drive, Suite 300, Decatur, 30032.

In this particular instance, when I spoke with this gentleman on election day, I was the third election official to talk to him. The gentleman at the poll had spoken to him and said, Mr. Brewer, we show that you voted absentee already. He didn't know at that time that our records showed he had voted absentee.

When our manager called and spoke to our office, he was referred to our absentee manager who pulled Mr. Brewer's records, reviewed his signatures from the current election as well as the previous election as well as his registration. All signatures were pretty much identical. So she went back to Mr. Brewer and said to him that our records show that you voted on Friday and that your signature seems to be consistent with your signature that we have on record for you voting in the July primary as well as what we have on your registration card.

Mr. Brewer still insisted at that time that he did not vote Friday at our office. At that point, the manager asked me to talk to him and I did. I spoke to him and said let me get an understanding. I got the same documents, I reviewed those documents, and then I spoke with Mr. Brewer. I said, Mr. Brewer, first of all I've reviewed the documents and it appears pretty clearly that it is your signature on this document of last Friday that you voted. He says, no, I did not vote. He was very insistent he did not vote. I said, sir, are you certain of that? He says, I'm very certain that I did not. I need to vote here because I did not vote.

So I said since you allege that someone else voted in your place -- he said, I didn't vote at your office; I didn't vote at your office. I said, okay. What we'll do is -- my only recourse is to allow you the opportunity to vote. We will let you vote a provisional ballot today and then we will investigate and find out what's going on. Because of the fact that you are alleging voter fraud, this has to be referred to the Secretary of State's Office, the election board, because you're alleging voter fraud; that someone used your name and information to vote on your behalf.

Then he said, well, wait. What do you mean? I said, well, sir, you're alleging voter fraud and so it is my duty to report this. He said, well, wait, wait, wait. Maybe I did vote; maybe I did vote on Friday. Yeah, yeah. I think I did. That's all right. And then he left.

Now, I was very, very disturbed by that because I've been involved with elections for almost 10 years now. We've had people who have voted early in election cycles -- 45 days -- they've forgotten; old people; that type of thing. But this gentleman voted on Friday. Given the explanation that he's forgetful, by the time the second person said something you, if he knew he was forgetful, he'd start saying maybe I did. But only upon my mentioning that I was going to ask it to be investigated did he back away and say that he had -- he may have in fact voted. Oh, yeah. He did vote. So to me it was an obvious attempt to vote twice. It was an obvious attempt to test us to see if our processes worked. It was an obvious attempt to circumvent the law and be just completely unlawful.

After I finished that conversation with him, I was very upset that anybody would attempt to do that and just a complete disregard for our processes and to think if we didn't have a process in order to even know that he was doing that. I was a little angry because I felt that was just an egregious attempt to circumvent the law and vote more than once.

SECRETARY KEMP: Thank you, Ms. Daniels. Good work on y'all's part. Anybody

have any questions or comments?

MR. SIMPSON: Just think of \$1000 -- this seems like an aggravated situation. What would be wrong with \$1500?

SECRETARY KEMP: I'm thinking \$2000 myself.

MR. WORLEY: I'd be willing -- in fact, I'd like to make a motion that we reject this decision, find Mr. Brewer guilty, and impose a \$2000 fine.

MR. SIMPSON: Second.

MR. WORLEY: Plus a public reprimand and cease and desist and all the other things we usually --

SECRETARY KEMP: So the motion is for a cease and desist, public reprimand and \$2000 fine by Mr. Worley. Seconded by Mr. Simpson. The motion also includes rejecting the initial decision by Judge Oakley. Any other discussion? Ms. Brumbaugh, do we have any way other than just rejecting the initial decision to send a message to Judge Oakley or do you think that she will --

MS. BRUMBAUGH: I don't think rejecting this initial decision will send her a message. I'm not sure that they find out about when boards reject their initial decisions.

SECRETARY KEMP: Would it be appropriate for us to send a letter just letting her know how disappointed we are with that decision?

MR. WORLEY: I wouldn't think so.

SECRETARY KEMP: My lawyer friends that I serve with on the State Election Board have overruled my idea.

MR. McIVER: Just to comment on that, the head of that department of OSAH is General Max Wood and he's a former U.S. Attorney, Middle District of Georgia and has quite a pedigree for prosecution and judging and I would recommend that perhaps you write him a letter, and with all due respect, you might say SEB-2, OSAH-0. I know him to be a very smart man trying to do a very hard job. I assume with that information he might be able to take more action than we would.

SECRETARY KEMP: Anything else? We've got a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

I believe that does it for the cases we have. Any old or new business from the board?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a motion to adjourn?

MR. SIMPSON: So moved.

MR. WORLEY: Second.

SECRETARY KEMP: Motion and a second. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

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(Whereupon, the hearing was concluded)

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